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Editor's Page

It is always difficult to cover a presidential election in a quarterly magazine, and it hasn't gotten easier as the election campaign has been steadily extended in time. Still, this is probably the most important election in many decades, and we shall try to address the central issues that the country should be debating—but won't be if liberals and leftists allow the president's unprecedented fund-raising and campaign spending to determine the shape of the debate. We begin in this issue with Rogers Smith's account of the dangerous erosion of civil liberties in the aftermath of 9/11—an especially important article because Smith makes the effort that many liberal and left writers have avoided: to balance the requirements of security and freedom. ■ We also feature an article by Dylan Otto Krider exposing the ruthless politicization of scientific research by the Bush administration and an article by David Leavitt on how to make the environment the election issue it should be. All these writers are new to *Dissent*'s pages. In coming issues, we will carry important pieces about the economy, health care, and education. The readiness of this administration to leave many, many children behind, while pretending that it is committed to all of them, should be a central issue in the election—but, again, it won't be unless liberals and leftists make it so. ■ Iraq continues to be a necessary focus for *Dissent* writers, not only because it too must figure in the political debate but also because we still disagree among ourselves about what the position of the Democratic Party, and of the left, ought to be. Adam Michnik explains the support for the war of many East European dissidents; Andrew Arato provides a precise and illuminating illustration of how one can oppose the war and still argue constructively about Iraq's reconstruction. James B. Rule and Joanne Barkan discuss the effects of the war on domestic politics here at home and in Europe. In the letters column, we print a strong critique of Paul Berman's piece in the last issue and his strong response. ■ But everyday politics, compelling as it is right now, cannot be our only concern. We are proud to include in this issue a number of essays that are of immediate interest but at the same time far removed from today's headlines: Susie Linfield's brilliant argument about what might be called the political morality of photographic journalism; Mansour Farhang's reflections on earthquakes in Lisbon and Iran, then and now; and Daniele Archibugi's socialist critique of the common practice (in the United States, but less and less so in Europe) of tipping service workers. These pieces offer some intellectual relief from what is sure to be a critical but ugly election.

—MW

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Spring 2004

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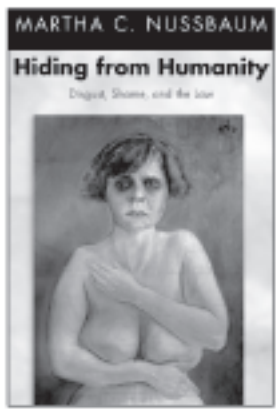

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Martha C. Nussbaum

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Ralph Nader and the Will to Marginality

Todd Gitlin

A CLASSIC BOOK of social psychology analyzes a flying saucer cult of the 1950s. This small band of Americans believed that on a particular date soon to come, the world would be engulfed by a flood of biblical proportions—but also that, on the very same day, flying saucers would arrive and rescue the true believers. Researchers infiltrated the group and waited to see what would happen.

Came the designated day, the landscape remained dry, no saucers landed, and how did the believers respond? A number of them fell away. But as in similar cases of millenarian prophecy over previous centuries, there remained a core of fanatics who, having already turned their lives upside down to conform to the prophecy, took courage from the support they found in their group. They stuck to their guns, reinterpreted the data in such a way as to justify the commitments they had already undertaken, and intensified their proselytizing efforts. If reality was going to be in such poor form as to disconfirm their belief, they would find a way to make belief and reality match. If they could win converts in a second round of proselytizing, they would confirm the wisdom they had demonstrated in the first.

Thus does the book that emerged from this research, *When Prophecy Fails*, by Leon Festinger, Henry W. Riecken, and Stanley Schachter, published in 1956, anticipate Ralph Nader—except that Nader has more data at his disposal and therefore must be counted as more reckless in his disregard for the all-too-real world in which George W. Bush and his crowd have taken power over every important institution of American politics in behalf of preventive war, plutocracy, environmental meltdown, cultural rollback, and a judiciary that ratifies all the above.

Pyromania or Self-immolation?

Nader's narcissism has metastasized to such proportions that he came forward all alone to announce his candidacy without being able to brandish a single one of the celebrities who surrounded him in 2000 and gave him a certain cachet with the young—not Michael Moore, not Tim Robbins or Susan Sarandon, not Patti Smith. The *Nation* urged him not to run. Howard Dean urged his followers not to bolt from the Democrats. This time around, Nader cannot even offer the Green Party, whose national nomination he disdained to seek (though he is free to try to avail himself of their positions on many state ballots). So much for his argument four years ago about third parties and their indispensability in American history and in politics today. To the struggle against "corporate-occupied territory," Nader now offers only himself, the one-man crusader who whines that his critics want to deprive him of a fundamental right, the right to run. *La troisième partie, c'est moi*. He has gone into flying saucer territory. Will he headquarter his campaign in Roswell, N.M.?

The difference-maker of 2000 again declares himself the one-man answer to "the two-party duopoly," a status quo in which "both parties flunk . . . one with a D-, the Republicans; one with a D+, the Democrats." This year he adds a new enemy: "the liberal intelligentsia" who, he admits, tried to talk him out of his intent to run as an independent this year. The term is code for activists who disagree with him. Over the months leading up to his February announcement, Nader consulted many environmentalists and consumer advocates—some of them groomed by him in past decades. Back when he approved of these people, he did not pigeonhole them; he viewed them as

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the people's tribunes, the indefatigable heroes of a popular movement. Now these doubters are demoted to the status of pixel-pushers.

All in all, Nader's announcement ratified his position as an unforgettable figure in American history, but whether his candidacy is pyromania or self-immolation isn't yet clear.

The Remnant That Does Not Save

How consequential Nader's decision will prove to be is, of course, unknowable. Florida, New Hampshire, and New Mexico are only three of the states where even a badly weakened Nader might make a difference comparable to his decisive margin in 2000. Everyone knows that Nader received 97,488 votes in Florida when Bush officially carried the state by 537 votes. It's less well known that Nader won 22,198 votes in New Hampshire, which Bush carried by 7,211 votes. If New Hampshire had gone for Gore, he could have lost Florida and still have carried the Electoral College. It's not well known, either, that Nader won 20,219 votes in New Mexico, where Gore just barely beat Bush by 64 votes.

Judging from anti-Nader Web sites, open letters from former supporters, critiques in the *Nation*, the *Progressive*, the *New York Times*, and elsewhere, Nader can scarcely take for granted the 2.74 percent of the voters he attracted in 2000. But even a third of that vote might still tip a state or two. There is a permanent margin Nader speaks to, and it is hardly negligible. Strikingly, Nader's 2.74 percent is almost exactly what California's Green Party candidate, Peter Camejo, drew in the strange California gubernatorial race of 2003. Equally strikingly, the 2003 annual survey of first-year college students across the nation, conducted by UCLA's Higher Education Research Institute, showed 2.9 percent of the nation's freshmen classifying themselves as far left—a figure almost identical to the 2.8 percent who so classified themselves in the banner radical year 1970. Of course, these are self-identifications, and what it means to be far left in 2003 is presumably different (less Maoist, anyway) than in 1970.

What these figures suggest is the existence of salvationist circles in American life, not unlike the psychological descendants of sixteenth-century Protestant millenarians, whose members believe that they constitute a saving remnant. With the world lost in darkness, they carry the torch on behalf of the silenced, neglected, and marginalized. Are they rejected by the mainstream, the establishment, the gravely unenlightened? Rejection is the proof of their righteousness. The worse things look on the plane of practical calculation, the more intensely they need to rededicate themselves to the mission. Their passion confirms their truth. This is the logic of left-wing sectarians, especially on campuses, where they don't have to talk to many people drastically unlike themselves, let alone win support from anyone else, to feel secure in their rectitude.

The Phantom Nonvoters

Nader, of course, has grander designs than a fraction of his previous fraction. Making his announcement, he referred to the "100 million nonvoters" he thinks he can speak to. It's especially peculiar to think that these nonvoters are waiting for him at a time when turnout has actually risen, sometimes impressively, in almost every primary and caucus so far this year. But leaving aside inconvenient facts, if you take a hard look at the turnout argument, you see that the legions of nonvoters are a spectral cavalry, always imagined to be marking time in the canyons until they are summoned to rescue the good guys. Nader invoked them in 2000. Howard Dean invoked them this year. They are the argument of last resort in all political fantasies.

But there is no evidence that nonvoters differ from voters in any ideological way. They are not bashful saints or hidden leftists biding their time until a candidate appears with the precisely correct political position. They are disproportionately low-income and younger people who, if they want anything from politics, want practical results. Their cynicism about politics is self-interested; they have real needs. What they are not looking for is a prophet or a new party.

If those who suffer most from corporate domination were susceptible to Nader's appeal, why was his black vote in 2000 so puny—only 1 percent in Washington, D. C., for example, where Nader won 5 percent overall? He cer-

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tainly didn't increase turnout among blacks or any other minority. A Green vote was a luxury that could only be afforded by those who didn't need politics to defend their material interests. In fact, Nader's base is a sliver of upper-middle-class whites—"the liberal intelligentsia," you might say—disproportionately located in such states as Minnesota, Wisconsin, Iowa, and New Hampshire with the smallest black populations. Here's a headline you didn't see in 2000 but remains evergreen in 2004: "Nader Undermined Minorities."

The Green Party, say what you will, has a fund-raising base. But Nader is running this time as an independent. He needs thousands of signatures to get on state ballots. Petitioning is an expensive business. He has no independent organization to speak of. He started late. Who will pay for his outreach to the phantom masses? Who will collect signatures for his petitions? Will state Green parties endorse him and give him their ballot lines? In 2000, there were Republicans who came to the aid of local Green candidacies. What will happen this time? Will Karl Rove and his fund-raising rangers limit their celebration of Nader's candidacy to champagne? Investigations would be welcome.

When all is said and done, what Nader's decision amounts to is not logic but an exercise in monomania on the part of a man who once accomplished great things and now believes that whatever he claims to accomplish is great by virtue of the fact that he claims it. Quixotic Nader, whose first run was tragedy, now tries farce. It's not funny. ●

TODD GITLIN is a professor of journalism and sociology at Columbia University and the author, most recently, of *Letters to a Young Activist*. An earlier and shorter version of this article appeared on *Salon.com*.

An Appeal to Dean Supporters

David DeRosa

AS SOMEONE WHO worked on Ralph Nader's 2000 campaign staff, I've grown tired of the question, "What are you 'progressives' gonna do in 2004?" Coming from party-line Democrats, it sounds more like a threat than an inquiry. And Ralph's true believers ask the question as if it were rhetorical—because no argument could undermine Ralph's airtight logic for another run. But now I've been hearing the question from a newer, more sincere quarter—from troubled fellow "Deaniacs," who appear to honestly want to know what to do in this election cycle.

Here's my short answer: I have no regrets about working for Ralph Nader in 2000, I supported Howard Dean in 2003/2004, and I hope you'll join me in working as hard as you can to elect John Kerry president this November.

I know, I know, such an answer may be anathema to you. If so, I ask only that you retrace the sometimes painful steps I took on the path to get to it.

I sympathize with those who feel little enthusiasm for Kerry's candidacy. While Kerry was casting his vote to authorize the Iraq War, Howard Dean was staunchly opposing the bipartisan march into the quagmire of our time. When Kerry and the other major candidates were reading from the Democratic Leadership Council's timid and timeworn script, Dean was honest enough (and sometimes careless enough) to think out loud. Dean's honesty energized the youth of America as no candidate had since Eugene McCarthy in 1968, and no contender since Jesse Jackson in 1988 had made such a bold appeal for the Democratic Party to return to its populist roots.

So why should we disaffected Dean supporters work for Kerry? I certainly like his record on the environment; elsewhere he looks

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good on some scales, bad on others. Like Dean, his fiscal discipline helps distinguish him from Bush. But overall, the best answer I heard came from Dean himself, soon after he dropped out of the race. I asked him what his supporters should do if they were disappointed with the remaining Democrats. He smiled and compared our predicament to the one he faced when he first took office—when he was determined to transform the state's health care system in one fell swoop.

"Look, when I tried to fix health care in one bill, it failed. So we went at it incrementally, and that worked. And I think that kind of pragmatism will work in the general election too. If these people wanted me, but got Kerry, they should still vote for him in November—because he's much better than Bush."

Now, in 2000 I might have considered Dean's pragmatism heresy. Then again, in 2000 I wouldn't have been attracted to a candidate who was best known as a fiscally conservative Democrat with a good rating from the National Rifle Association.

When I went to work as the environmental issues outreach staffer for Nader in 2000, I was excited to start fighting on ground that the Democrats had ceded over eight lackluster years. In our quest to reach 5 percent of the electorate, we could tell the truth about issues Democrats and Republicans couldn't, while inspiring some voters to go back to the polls who had written off voting as irrelevant to their lives.

But 2004 really is a different year. Insofar as Nader tries to draw Republican voters to him or new voters to the process, he can serve a function; otherwise he is a distraction. Certainly, any new claims about the "duopoly" ring hollow when it's apparent that one party is so consumed with the fundamental politicization of every issue that it is dedicated to wiping out the other party and all of its bases—organized labor, civil rights groups, gay and women's organizations. The level of hostility makes this an undeclared "Civil Cold War"—and like it or not, there are only two sides.

All voters to the left of the ever-moving "center" must help make Kerry the candidate he needs to be to win. Dean described the task best when he said, "We must take back our party, then take back the country." Just voting for Kerry isn't enough, though—we have to put our passion into it. Think of Kerry as the container for our vision—whether it's national health care, better trade deals, a more "humble" foreign policy while keeping Americans safe, or just getting rid of Democratic National Committee Chair Terry McAuliffe in the same year we finally say good-bye to John Ashcroft—and act accordingly.

For those progressives tempted by third-party politics, I say this is the year to ask for something concrete, such as a commitment to Instant Runoff Voting. It's an idea Dean discussed in his campaign, one that would improve both national and individual political decision making. By bringing estranged voters back to politics, it would give a balance to our representation that's been sorely lacking. Most important, it could give third-party candidates of all stripes a reason to vote for a major party candidate who's dedicated to fixing a corrupt process.

At the same time, I urge party-line Democrats to hold off on the bullying, accusatory approach that so many use with Nader supporters. I believe that most Dean voters, and many Nader voters, will vote for Kerry. But if my own experience of being put on the defensive is typical (and from conversations with former Naderites and Deaniacs I believe it is), we are less likely to be enthusiastic, and in some cases may not even vote, if we are treated dismissively.

Nader's best motto in 2000 was "Vote your conscience, not your fear." This year, our fear informs our conscience, and it compels us to work like hell in defending what we care for, then to vote for the top of the Democratic ticket. ●

David DeRosa works as a union researcher in Washington, D.C. He previously worked as a Greenpeace toxics campaigner and for other progressive causes; he was the environmental issues coordinator for the Nader 2000 team.

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Higher Education and New Labour

Alan Ryan

One of the greater oddities of British politics this winter has been the Labour Party's travails over higher education. The government issued its White Paper on Higher Education in January 2003—"White Papers" are arcane BritSpeak for the publications in which British governments set out their finalized views on what legislation will contain when it is eventually put before Parliament—but only brought its legislation before Parliament in late January of this year. The delay was testimony to the extraordinary passions that higher education policy has aroused in the past three years. Even more striking, this government, with a majority of 161, only got its bill through the House of Commons by five votes.

The White Paper was in fact described as "Greenish" a year ago—"Green Papers" are the consultation documents that governments issue, either to test opinion and provoke more debate or else to deflect attention for long enough to bury an issue without further action. The oddity is that in many respects higher education has been a British success story, so government timidity on the one side and public fury on the other side seem hard to explain. So, what has been happening?

Anyone with a reasonable understanding of higher education in the United States will find the British scene both very familiar and very alien. It's familiar to the extent that during the 1980s and 1990s Britain experienced something very like the surge in enrollments and the change in demographics that American higher education experienced in the 1960s. The percentage of young people going to university rose from around 15 percent to around 40 percent; where universities had been the destination of better off eighteen-year-old, white, young men, they now took in more mature students, more women, more ethnic minorities, more part-timers. And this all had an impact on the educational offerings available to students. Liberal arts courses did not diminish in absolute numbers, but they diminished very dramatically as a proportion of course offerings. Studies related to business became overwhelmingly the most popular courses for the new students. None of this would surprise an American observer who took it for granted that Britain experienced the social transformations that the United States experienced, but rather more gently and twenty years later.

The alien aspects of British academic life are harder to explain, partly because most of them can be found in some shape or form somewhere on the American scene. So, we should begin with the most alien feature of all: Britain possesses only one institution of higher education whose teaching receives no assistance at all from the taxpayer. This is the University of Buckingham, a tiny college founded some thirty years ago and that has proved beyond much doubt that the British will not support private higher education if they can get the taxpayer to provide instead. In the United Kingdom, funding is absolutely uniform. Every institution receives grants from a Higher Education Funding Council that acts as a conduit through which tax-generated funds are channeled to each institution for a variety of purposes.

The funding council system is a typically British device for squaring the legally independent status of universities with the brute facts of public funding—unlike the hospitals through which the National Health Service operates, they are not publicly owned, and unlike the doctors who are employees of the National Health Service, professors are not public employees, but the great bulk of the fund-

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ing for teaching comes from government funds. As a result, universities are in no position to question the terms on which the government provides the funds they need to remain in operation, faculty are in a poor position to negotiate over pay, and students regard higher education as a social service rather on a par with health care.

The origins of the arm's length system of distribution, however, go back to an age when governments were much more hesitant about trying to dictate to other institutions; the aim was to allow universities the widest possible freedom of action, especially in matters where academic judgment was called for, and to protect academic freedom from the desire of funders to dictate how their money was spent. What universities received were "block grants," which is to say, money that had to be spent either on the teaching or research functions of the university, but was not otherwise earmarked for particular aspects of teaching or research. Within wide limits, it was up to institutions to balance the need for human and material resources, and to balance spending on academic staff and support staff—whence a long tradition of having quite generous ratios of faculty to students and just about no secretarial support at all.

For half a century, the system worked rather well. British academics looked with horror at the interfering habits of American trustees when it came to private colleges and universities and the interfering habits of state legislators when it came to public colleges and universities. The cold war era of loyalty oaths in the United States was the golden age of publicly paid for academic independence in Britain. It worked very well for temporary reasons, however. One was that the proportion of young people going into higher education was very low—it rose from around 3 percent to around 8 percent in the early 1960s; because it was low, governments cheerfully subsidized students to live away from home with generous living allowances, so that a student who lived reasonably economically got a genuinely free education, with no loans to repay. Tuition was also negligible and paid by the state on the student's behalf.

The other crucial factor was that the cost of scientific research was not outrageous. Only a few universities did a lot of expensive science—Oxford was not among them until the 1950s—and the liberal sentiments that led governments to support the arm's length system of payment also led them to favor pure science done by pure scientists. Of course, innumerable critics complained that other countries, notably the Soviet Union and the United States, converted pure science into economic growth and technological advance in ways the British didn't. But forty years ago, Harvard and Princeton envied Oxford and Cambridge for many of the things for which Oxford and Cambridge now envy them.

What happened next was what happens when public provision is expanded against the background of sharp inflation in the seventies and increasing tax aversion in the eighties and nineties. Government decided that Britain needed more students in higher education; it achieved some of what it wanted by a move that is probably quite inexplicable in American terms. For a long time, Britain had two parallel higher education streams: "polytechnics" were owned, run, and managed by public education authorities; they provided a lot of sub-degree level courses; their mandate was vocational, local, and practical. They did only small amounts of research for the benefit of local industries—so you might get aeronautical engineering in one place, hotel management in another, and packaging design and technology in another. They were several cuts above an American community college, but several cuts below a California state university.

They were—this being Britain—very conscious that their standing in the eyes of the public was not that of the "real" universities. More practically, they were conscious that their staff were paid worse, had less agreeable working conditions, and were subjected to a management that was more City Hall than Ivory Tower. They were also not academically autonomous. Universities were chartered to award their own degrees and could within limits lay on whatever courses they liked. Polytechnics gave degrees that were certified by a public body—the Council for National Academic

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Awards—and their courses had to be approved by that body, too.

So, in 1992, the Conservative government of the day turned the polytechnics into universities, doubling overnight the proportion of students attending university. The government of the day also set out to ensure that any course in any university cost no more to deliver than it cost at the cheapest university. One of many paradoxes about educational policy in Britain is that so much of it is driven by a rather Victorian view of value for money emanating from the Treasury. The people in the Treasury from whom it emanates almost invariably went to Oxford or Cambridge, and in their own lives would never for a moment believe "that a history course is a history course is a history course," no matter who delivered it, where, and to what level of student. When it comes to controlling public spending, though, they run exactly that line. The consequences are that the "unit of resource"—management-speak for what a university has to spend every year—has dropped by 40 percent over the past fifteen years. The average is now lower than it was at the under-resourced polytechnics of the 1980s.

One might nonetheless wonder how this adds up to a political disaster for Tony Blair and New Labour. By the mid-1990s, it was clear that higher education was under pressure. Universities had diverted money needed for maintenance into staff salaries in order to avoid layoffs, so universities were increasingly shabby; staff-student ratios were worsening; students wrote less and had their work looked at less carefully. And the grants that students had once received for their living costs were not just held back below the rate of inflation, but increasingly cut outright and the gap filled by loans carrying interest at low but nonetheless real rates. All the same, viewed in Labour Party terms, there had been real progress: 35 percent of young people went on to higher education of some sort, and that was four times as many as thirty years before. Moreover, British completion rates remained higher than in most countries—80 percent of students finished in the three years they were signed up for, while barely a half of American students finish in five years, and German students rarely escape in less than seven years.

Still, faculty were underpaid, universities were broke, and taxpayers were averse both to signing a blank check and to seeing students turned away. In 1997, the government's all-purpose troubleshooter, Lord Dearing, authored a report recommending that students should pay a tuition fee, and that they should receive a small grant for living expenses and be able to borrow enough to make up the difference between the grant and their costs. The newly elected Labour government was terrified of accusations of profligacy, and made its first fatal mistake by refusing to restore grants for living costs, though it cut the cost of tuition for the poorest students—a pretty meager concession, because tuition was a maximum of $1,500 a year and living expenses five times that.

New Labour's second fatal error was to claw back from the universities' funding almost all of the money the universities took in from student fees. This irritated universities, which found themselves facing the wrath of students who were paying the fees and getting nothing for their pains. It annoyed the students, who had thought a Labour government would sympathize with them; and it seemed absurd to many critics who contrasted government rhetoric about wanting to get more students from poor backgrounds into higher education with the sociological evidence that poor students were the most likely to be deterred from taking on debt in the form of student loans.

A government that was always longer on rhetoric than on delivery took no very great notice of all this, insisting that standards were rising in all directions, and that in the absence of their pressure for efficiencies, British teachers and researchers would work less enthusiastically. The teachers and researchers observed that their salaries had dropped some 30 percent behind their former peer group, which included Members of Parliament; that British Nobel prize winners were few and far between (and mostly employed in the United States); and that they knew their students were generally getting a worse deal than twenty years before.

Why was it so hard to fix the problems? For a rather charming reason, or at any rate for a reason that reflects a certain credit on

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British academics. Although the British are much given to snobbery, they are very averse to academic snobbery. This meant that every time a new institution was accorded the title of "university," it claimed, or pretended, that it was exactly like the institution last admitted to the fold. This carried no conviction with the public at large, since it was like pretending that CalTech was engaged in just the same activities as a community college up the street; and it cut no ice with students, who were perfectly aware that a place that demanded the equivalent of SAT scores of 1600 in school-leaving exams was going to carry more weight with employers than one that was content with the equivalent of SAT scores of 850 or so. But even if it cut no ice with the public, its effect was to make it just about impossible to ration resources in the way that, say, the state of California rations them between the University of California, the state universities, and community colleges. To say loudly that low-status institutions would have less money because they were teaching less demanding courses to less well-qualified students was quite beyond the Labour Party.

So, the government dug itself a deep hole and lowered itself into it. The real shortage of funds in the British system is on the capital side. Buildings are decayed, eminent scientists are working in rundown labs with out of date materials; the maintenance backlog is conservatively estimated at some $15 billion. The recurrent deficit is only about a sixth of that. But what the government did was commit itself to increasing tuition by two and a half times—to some $5,500 a year in 2006. And then it made large numbers of concessions to alleviate the impact of this rise on poorer students. The result is that the increased income for higher education comes to perhaps $1.75 billion—a bit above half the recurrent shortfall, and a ninth of the backlog.

Because nobody understands university financing—it is not the most exciting subject even for those who spend their lives trying to make ends meet—the political debate became extremely heated but not very enlightened. It turned rather swiftly into old-fashioned British class warfare; this was perhaps a relief for many people who had found the politics of Iraq complicated or frustrating. At any rate, it allowed the Labour backbenchers who have never seen the point of education beyond the level of the local technical college to denounce the intellectual snobbery of Cambridge and Imperial College, London. And it allowed everyone who was fed up with the leadership of Tony Blair to give him a bloody nose without running any great risk of letting in the Conservative Party. (This is partly because the Conservatives have no policy whatsoever; they claim they will abolish tuition fees but make the universities more prosperous by so doing. *How* they will do it, they promise to tell us before the next general election. They have been greeted with universal derision—rightly.)

From the universities' perspective, the poisonous feature of all this is that the government has made increasingly farfetched claims about the *quid pro quo* it will exact for the new money that will go into higher education. Basically, it has been saying that it will ensure that working-class students will find it easier to get into elite universities that they presently shun. It also says that it will not dictate entry standards and will not force affirmative action on universities. Because the fundamental problem is the absence of working-class applicants with adequate qualifications—the British class gap is much like that in SATs in the United States—the government cannot have what it wants; it can either force universities to take under-qualified students, whom the more prescriptive syllabus of British universities will treat much more harshly than the looser syllabuses of American schools do, or it can force universities to drop their standards so that under-qualified students survive and leave with an apparently reputable degree.

At this moment—early March—the higher education bill is sitting in committee. Unlike the American Congress, the British Parliament gets bills in and out of committee very swiftly. The real fun will begin in a couple of months when the House of Lords gets the bill. Imagine a measure coming to a Senate in which there are twenty-five former university presidents, all of them with a powerful hatred of the government agencies that had starved their

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schools of funds. Such is the environment that ennobled vice-chancellors will provide for the bill. It is a measure of the government's desperation that they have just given a peerage to the former general secretary of the Labour Party—who is, as it happens, an old friend of mine whom I first met when he was leading the Trotskyist radicals at the University of Essex in the mid-1960s. It will fall to him to try to steer through the House of Lords a measure that he would have gone to the barricades to defeat, not only when he was a student thirty-five years ago, but when he led the Association of University Teachers a mere five years ago. ●

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Is Euro-patriotism Possible?

Jan-Werner Müller

"PERHAPS I AM confusing Joschka Fischer and Jürgen Habermas," admitted then French interior minister Jean-Pierre Chevènement in a debate on Europe with Fischer in the summer of 2000. Not surprisingly, this "confusion" flattered the German foreign minister. After all, during the mid-1980s Fischer ran seminars with Germany's premier public philosopher. Every Monday a motley crew of Green activists, Frankfurt School critical theorists, and journalists met in the backrooms of "Dionysos," a Frankfurt Greek restaurant. Subsequent to such theoretical (and, presumably, Apollonian) exercises, Fischer went on his astonishing journey from down-and-out left-wing radical to European statesman. Habermas became a leading advocate for a genuine European-wide democracy, as one step toward establishing a just cosmopolitan world order.

Fischer and Habermas often appear to act in political-philosophical tandem. Fischer sparked a Europe-wide debate with his call for the full constitutionalization of the European Union in a speech at Berlin's Humboldt University in May 2000. Having long been one of the most influential voices in the seemingly interminable debates about "German identity," Habermas recently took to the European stage. He now calls ever more incisively for a European constitution to create a novel European "state of nation-states." This European Union should, in Habermas's view, act as a counterweight to the United States, which Habermas calls a "callous superpower."

Habermas's new role culminated in his controversial appeal for a "renewal of Europe" cosigned by Jacques Derrida, in May 2003. According to Habermas and Derrida, the "rebirth of Europe"—its Fourth of July, so to speak—occurred on February 15, 2003. On that day, millions marched on the streets in Rome, Madrid, Paris, Berlin, and London against the impending war with Iraq. Habermas claimed this was the moment when a common European consciousness came into focus. This consciousness is supposedly based on shared, and for the most part painful, historical memories of violence and atrocity sparked by past national rivalries. In addition, the history of intra-European conflicts (and their eventual resolution) has given Europeans a peculiar capacity for recognizing—and accepting—differences today. Finally, according to Habermas (and, for that matter, political analyst Robert Kagan), Europeans have become much more sensitive to violence. Against the background of the experience of totalitarianism and the Holocaust, they are said to have developed a stronger awareness of threats to personal and bodily integrity. This explains the European opposition to capital punishment. Above all, it

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explains why the continent's problematic past may now, paradoxically, allow the European Union to be a "civilizing" counterpart to the United States.

In short, European thinkers seem ready to formulate and fight for some new kind of "Euro-patriotism," Fischer, as well as Habermas and his many followers in both politics and political theory, has often appealed to the notion of "constitutional patriotism." Habermas did not invent this term, as is often claimed, but adopted it from the political theorist Dolf Sternberger, a civic republican student of Hannah Arendt, and then popularized it in the late 1980s. He used the concept to designate a form of "post-national" democratic loyalty. Or, put differently, he sought a form of political attachment that was based primarily on the universalist moral principles contained in Western constitutions rather than particular national histories and cultural traditions. Constitutional patriotism was thus explicitly opposed to "traditional nationalism," and to unquestioning endorsements of national histories. Yet, it was also conceived as an alternative both to liberal versions of nationalism and to a full-fledged cosmopolitanism concerned primarily with global justice.

What has a "thought born in a seminar," as one of Habermas's German critics once put it, got to do with Europe's actual problems? Well, for a start, there is the issue of whether the European Union ought to have a proper constitution. The process of European integration sped up remarkably in the 1980s and especially the 1990s. The impending enlargement of the EU in May 2004—an unprecedented inclusion of ten countries at once—has increased calls for a thorough constitutional revision of the EU. Only with a proper constitution that clearly spells out national and union competences, so the argument goes, can the EU function properly with twenty-five members. Although there remains wide disagreement about the nature of an "unidentified political object" (as former president of the European Commission Jacques Delors once called it), only few dispute that the EU now faces an increasing gap between moral and legal communities. The legal community will soon stretch from the Canary Islands to the eastern border of Poland and from Malta to Lappland. Europeans—as citizens and consumers—are ever more frequently affected by decisions taken in Brussels. In fact, some observers estimate that more than 50 percent of all laws in any given member state now originate with the EU. Yet only a minority of citizens seems to find the union a genuine moral community, an entity that inspires any feelings of belonging. It lacks what Justine Lacroix has called an "identification mechanism for the civic body as a whole."

In these circumstances—the lack of a proper constitution on the one hand and the lack of attachments on the other—constitutional patriotism is increasingly debated across Europe, even as its relevance is not always fully spelled out by its proponents. At first sight, the vision of a European constitutional patriotism might seem absurd. Which constitution should inspire patriotism? Should one pick the eighty thousand pages of the EU's bureaucratic rules and regulations? Or would it be better to choose the document produced recently by the "constitutional convention" that former French president Valéry Giscard d'Estaing, its chair, called "our Philadelphia"? This constitution (in reality a treaty) set out to bring "Europe closer to the people." It has almost five hundred articles, with a preamble claiming that Europe brought forth "civilization." But it failed to stimulate a continent-wide discussion as hoped. Should one look to more concrete political symbols? Should European citizens warm to the Euro-anthem? Should Europeans—many of whom tend to be bewildered by manifestations of American patriotism—pledge allegiance to the star-spangled blue banner and other pan-European symbols notorious for their artificiality? And if such attachments are rejected, would becoming post-national not amount to becoming "post-emotional?" A "yes" to this question is not uncommon. Julien Benda, the unflinching French rationalist, already argued in 1932 that "Europe will be serious or it will not be at all." For Benda, far-reaching conclusions followed. Europeans, he thought, ought to develop a hatred for the passions as such. He also claimed that there could never be poets of European unification, because po-

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ets always remained attached to the emotional and the concrete. (Apart from that, his proposal for continental integration was not helped when his reply to the question of what the supranational language would be was "French.") Although Benda's Cartesian construction was stillborn, the distinction between supranational reason and national passion often reappears in the most sophisticated accounts of the EU as an emerging polity. International legal expert Joseph Weiler, for instance, claims that "the national is Eros: reaching back to the pre-modern, appealing to the heart with a grasp on our emotions, and evocative of the romantic vision of creative social organization as well as responding to our existential yearning for a meaning located in time and pace." The supranational, in contrast, stands for "civilization." It is "confidently modernist, appealing to the rational within us and to Enlightenment neoclassical humanism, taming that Eros." The supranational, it seems, is also suprapassionate. In fact, even Habermas, as a seeming archrationalist, appears to have lost faith in his own post-national proposals. The joint appeal with Derrida emphasized "the power of sentiments" in mobilizing European citizens against the war in Iraq. Not a word was said about a more rational or even universalist Euro-patriotism. If the real litmus test of European unity is the willingness "to die for Javier Solana" (the EU's foreign affairs representative), as the British *Times* once put it, then perhaps reasoned patriotism is simply not enough.

It is easy to condemn constitutional patriotism as too "abstract," too "thin," or even too "bloodless" (a particularly inappropriate metaphor), as so many critics do. In fact, it does offer a political attachment that might be well suited for the kind of political entity that the EU *could* become. The notion of constitutional patriotism is attractive because of the genuinely novel nature of EU constitutionalism, in particular the *ideal* of Europe as an open-ended and contestable project of tolerating and to some extent sharing identities within a common political and socioeconomic space. What is special about the EU—and what creates a political and moral surplus value for Europeans—is not that it promotes universalist democratic principles. This might be well done by existing nation-states or by more inclusive organizations such as the United Nations. Rather, it is its peculiar nature as an evolving polity that does not seek to rely on one *demos*, but on multiple *demoi* moving closer together without becoming one. It is, to use a concept coined by the French-Greek scholar Kalypso Nicolaïdis, a "*demoi-cracy*," rather than a democracy. And it is a project that, as Joseph Weiler points out, needs a great deal of trust and tolerance, not least constitutional tolerance, because difference and identity must be constantly negotiated and renegotiated.

The word "ideal" needs to be stressed. Today's EU is far from some of the hopes of Euro-cheerleaders, but that reality should not prevent anybody from examining its potential. And that potential does not lie in becoming a kind of Euro-nation, based on the supposed European similarities identified by Habermas and Derrida, with the United States as the big "Other." Anything that smacks of nineteenth-century nation-building processes will fail in today's Europe. There are no patois-speaking French, Greek, or Slovak peasants waiting to be turned into proper Euro-citizens through civic education and military service, as Nation-building 101 would suggest. There are certainly no large European conscript armies waiting to be mobilized by the idea that "*dulce et decorum est pro Javier mori*."

BUT MANY Europeans are willing to engage in what—loosely following John Dewey—might be called supranational democratic experimentalism. The relevant experiments include sharing sovereignty, mutual learning, creating freedoms, and tolerating (and trusting) diversity. Success in these might eventually even serve as models for other parts of the world. At the same time, Europeans are clearly not ready for continent-wide, full-fledged democracy. However, they certainly need the political, legal, and constitutional means to contest decisions made in Brussels and to protect themselves against bureaucratic domination, all while reaping and even relishing the benefits of an extraordinary political experiment. They have good reasons to *care* about the union and to promote the principles and practices of supranational toleration, mu-

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tual learning as well as contestation, which are often developed in very humdrum day-to-day politics and diplomacy. Although the empirical evidence is still sketchy, it is safe to say that the nightmare of European social democrats—namely, that supranationalism would automatically erode national social democracy—has not come true. In many policy areas such as health and safety regulations, the EU has made for a "race to the top," rather than the much-feared "race to the bottom."

What then of the official "constitution," which European leaders failed to agree on at their Brussels summit in December? Did this apparent debacle demonstrate that the EU, finally, is merely an intergovernmental organization subject to various forms of national egotism? Not necessarily. If anything, it shows the limits of Euro-nation-building. Rather than focusing on the ingenious mechanisms that the European demoi-cracy has developed, Giscard and his supporters sought to dignify the EU with some of the trappings of a proper state. But the Philadelphia analogy only raised the stakes for the governments of member states without mobilizing European citizens. Habermas and others have put great faith in such acts of symbolic politics, but they probably underestimated the more sober concerns of European citizens, who appear content with the symbols they have on national levels. In short, "Achieving our (European) Union" is (and ought to be) more a matter of establishing a "thin," liberal community characterized by a certain amount of civic concern, rather than a full-fledged "imagined community."

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What role might there be for constitutional patriotism? Instead of being a means to whip up (largely undefined and probably indefinable) "Euro-passions," constitutional patriotism should be understood as a certain level of care and concern about European affairs in addition to national polities. It should be a critical, reflective attachment suited to the peculiar nature of the emerging EU. If it is a kind of attachment or care that does not automatically point toward ever more integration, it might also be more attractive to Euro-skeptics. From this "constitutional patriotic" perspective, there is nothing wrong with a Europe composed of a plurality of peoples—a Europe in which some experiment in some policy areas and others remain reluctant.

"Constitutional patriotism," as political theorist Patchen Markell points out, "can best be understood not as a safe and reliable identification with some pure set of already available universals, but rather as a political practice of refusing or resisting particular identifications—of insisting on and making manifest this failure of equivalence—for the sake of the ongoing, always incomplete, and often unpredictable project of universalization." In other words, constitutional patriotism is not about a "heroism of reason" or a simple "passion for democracy." It is a critical (and self-critical) attachment that makes room for *both* passion and skepticism vis-à-vis a changeable and essentially open-ended political project. Above all, it presents a rather modest emotional proposal for a limited form of caring, which loses sight neither of the actual achievements nor the limits of the world's most successful experiment in regional cooperation.

Must this vision disappoint American leftists, who hope Europe might be a counterweight to American "empire" or hegemony? Do ostensibly soft concepts such as "caring" not prove right those Kaganesque critics who argue that Venutian Europeans—in contrast to Martian Americans—are too weak-willed and self-centered to take on global challenges? Well, no. Constitutional patriotism does not prevent coalitions of the willing within Europe from developing, say, more coherent European

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defense capacities. Although it is too early to tell, there is some hope that Britain, France, and Germany might move in this direction. More important, Europeans have reason to care about (and resist) some of the EU's deeply problematic principles and practices or, put differently, European experiments that have simply gone wrong. Arguably, the most important thing the EU could do for the globe at this point is to get rid of its agricultural policies, and that will happen only if Europeans care enough to fight the lobbies and national leaders who support them.

So, in sum, constitutional patriotism ought to complement existing attachments. "Complementing" may be the wrong word, though, as it suggests that "identity" is more or less a box of bricks. Habermas has demanded that Europeans ought to "build another (European) storey" to their national identities, or enlarge them with a "European dimension." But the European self is not a house (let alone a fortress) with a beautiful terrace on which one can breathe freer cosmopolitan air, all while nationalist demons remain buried in the basement. If architectural metaphors are a must, it is probably a Frank Gehry or Daniel Libeskind building. ●

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The Fate of European Populism

René Cuperus

In recent years, anti-establishment and anti-immigration populism has unsettled Western and Central Europe. Leaders such as Jean-Marie Le Pen in France, Jörg Haider in Austria, Silvio Berlusconi and Gianfranco Fini in Italy, Christoph Blocher in Switzerland, and the late Pim Fortuyn in the Netherlands pushed themselves onto center stage in politics. For longer or shorter periods, some were in power. Movements once lodged securely on the far right were thus able to engage a mass electorate and challenge a political establishment that seemed unable to address the fears of ordinary Europeans. Although the political success of right-wing populist parties has ebbed over time—and especially after their failing performances in government—their impact on "intellectual" discourse and the political-cultural climate of Europe remains.

This unprecedented impact of right-wing populism derives from a political identity crisis across Europe. The disruptive effects of globalization and the retrenchment of welfare states have been accompanied by fundamental changes in the party systems. The older mass parties that have ruled most of the region since the end of the Second World War—the Christian or Conservative Democrats and the Social Democrats—have lost members, voters, élan, and a monopoly on ideas. Because they are in most countries the pillars of the parliamentary system and the welfare state, their slow but steady decline affects European societies as a whole. At the same time the classical ideological left/right cleavage gave way to unprecedented and unexpected coalitions and *cohabitation* of former political enemies. This produced political spaces for outsiders who railed against the political establishment.

Another complicating factor might be called the paradox of the Holocaust trauma. Europeans seem unable to cope with ethnic diversity. Intellectual discourse was long characterized by a species of political correctness that praised "the foreigner" for enriching society while turning a blind eye to the *de facto*

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segregation of many new immigrants and the stresses they placed on social welfare systems. These circumstances did much to provoke populist-xenophobic reactions. Consequently, Europe faces two dilemmas: how to maintain communitarian welfare states under conditions of ongoing immigration and whether the ethnic future of Europe will be characterized more by multiculturalism or assimilation.

There is also widespread unease over the process of European integration. What should have been a proud achievement of cosmopolitan cooperation between nations has become, instead, a cause of insecurity and alienation. Despite the claims of Eurocrats in Brussels, many people see the European Union not as the shield against, but as the "ugly face" of globalization because of its one-sided market liberal approach. Ten states, mostly from the ex-Soviet bloc, are about to join, and their impact on the European Project as a whole in terms of power shifts and socioeconomic imbalances is uncertain. "Old" Europe is nervous. Nervousness, discontent, and loss of national identity are easily channeled through right-wing populist movements. They tap into xenophobia, express protests against the difficulties of contemporary representative democracy, and chastise the "political correctness" of elites.

Populists present "the people" as a homogeneous entity facing a closed, technocratic, "corrupt elite" that has betrayed the interest of the majority. Their protest can be read as a fever signaling that problems are not being dealt with effectively. This explains the popularity of sound bites such as, "We are down—they are up." "We should be in, they should be out." These statements are from Austria, but you can find similar ones in Switzerland, Belgium, the Netherlands, and Denmark in right-wing movements that claim to represent "the people" and to defend and shield national, cultural, or ethnic identity against "outsiders" and stress leadership, law and order, and nostalgia for a "lost world."

Some of these populist movements originated on the extreme right or contain neo-Nazis and fascists. Many of them tried to transform themselves into "normal" democratic organizations. The Italian *Alleanza Nazionale* of Gianfranco Fini, with roots in fascism, has tried to become something more "responsible" by serving as a governing party (in coalition) in contrast to the French *Front National* split over such "responsible" prospects. Some parties developed out of older parties (for example, Haider's FPö, Pia Kjaersgaard's People's Party in Denmark). Others are new creations, such as Berlusconi's *Forza Italia*, Fortuyn's *List* in the Netherlands, or Carl Ivar Hagen's Progress Party in Norway.

Populist movements are almost by definition unstable. The best example is the meteoric rise and fall of the *Front National* in the elections of 2002. To everyone's surprise, Le Pen finished second in the first round of presidential elections, surpassing Socialist prime minister Lionel Jospin. This may have been due to electoral fragmentation on the left, but it caused political shock waves and led the mainstream left to support tacitly the re-election of Gaullist president Jacques Chirac. This led to a remarginalization of Le Pen on the national level, although he has regional support.

A somewhat similar story of "climax and anti-climax" took place in both the Netherlands and Austria. After Fortuyn was murdered, his party served disastrously in the government. Internal struggles between cabinet ministers and within the beheaded party led to a governmental crisis after eighty days and then to elections, which produced a new government. In Vienna, Haider's party was ravaged by internal struggles and splits resulting in electoral losses, even though the FPö returned to government as the shaky junior partner of the Christian Democrats.

These patterns suggest that populist movements are poorly equipped for institutional longevity. Their aversion to traditional party structures deprives them of political machines built around "cadres" that enable a degree of continuity and consistency in programs. Instead, populists often rely on charismatic and authoritarian leaders. "The empty heart of populism," writes social scientist Paul Taggart, "the lack of key values, means that it is particularly liable to the politics of personality. . . . Populism prefers the simple solution of leadership itself over the complex process of politics to resolve problems." Ironically, leadership conflicts are endemic to

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populist parties as the splits in Haider's and Le Pen's parties show. Fortuyn's murder sapped what had been the fastest growing political force in the Netherlands. These parties are far better at sounding alarms than at becoming partners in a stable government. They are able to affect the political debate and can propagate themselves without sustaining powerful and normal party structures. Mainstream parties are forced to adopt or even internalize parts of their populist agenda.

The right-wing populists push a litany of themes to the forefront of public debate. They challenge the "illusion" of a multicultural society and link it to crime and insecurity. They call for the restoration of standards and values, for order and authority. They chastise abuses by governing elites and the established "cartel" of political parties. They denounce the shortcomings of representation in today's parliamentary democracies, and they rail against the apparently unstoppable unification of Europe. They complain about tolerance of immigrants and libertine behavior. They object to upheaval caused by neoliberal globalization and the linked "crisis" in the public sector. And they have a simple solution to all problems: halt all new immigration and compel "old" immigrants to adapt or to assimilate.

A cruel sociology helps to explain the appeal of this populism of disenchantment. The rise of a "knowledge society" has alienated those who have been unable to keep up with the change, the so-called "losers of the modernization process." Mass media proclaiming continual crisis and social drama have also increased mass insecurity and encouraged a cynical view of institutions, especially those of the struggling welfare state. Additional factors contributing to the grief of the less educated include a decline of manufacturing jobs, the increasing market value of those who accumulate cultural "capital," the evaporation of the "socialist" dream of a more egalitarian world, the rise of "multiculturalization," and accompanying "ethnocultural" tensions on the micro-level.

Elites in the academy and state bureaucracies generally ignored these rumbles, assumed that everyone accepted cosmopolitan, relativist norms, and paid no attention to the growing desire to preserve familiar ways of life and forms of identity. Where does all this leave European social democrats? In difficult straits. The "revolt of the little man" (and, to a lesser degree, woman) highlights an old—but often unadmitted—divide in the democratic left between the well educated and less educated, between "postmateralists" and "materialists." In a sense, right-wing populism is the cultural revenge of the "working class" against the intellectual elites who run "workers' parties." This friction between the "chattering Establishment" and the common man is the Achilles' heel of contemporary social democracy.

A MAJOR REASON for the "populist momentum" of the 1990s was the decline of ideological confrontation. Consider what happened when the Italian political system imploded and disrupted both the Christian Democrats and the parties of the left. Space opened for Silvio Berlusconi's media-populist domination of public life. In other countries—Austria, Belgium, the Netherlands, France—the moderate, mainstream right and left "cohabitated" in governments, retrenching and reshaping the arrangements of the European welfare states. The new populists did fill the new vacuum of left/right-depoliticization. Their target seemed to be the worried working classes, but they also sought support from segments of the middle-class and "nouveaux riches" who don't feel represented by today's political system.

If social democrats still regard themselves as champions of a solidaristic liberal democracy, then they must pay far more attention to the darker aspects of the "modernization" processes that are now sweeping the world. They must learn how to keep in touch again with its "less educated constituents" and recognize that it must begin to make demands that may be at the expense of the more powerful group of the left—the intellectual "knowledge class." Right-wing populism is wrong, but it articulates real problems and insensitivities that the left has not faced adequately.

This means a reorientation of social democratic policy. Social democrats must focus on the less educated and the displacement on

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poorly qualified workers. They must reconsider how profoundly crime injures working-class communities and, most controversially, social democrats must begin to appreciate the disruptive impact of immigration when there is no serious program for integrating newcomers. How much anti-populism can a mass social democratic party allow itself? How long can a social democratic party that depends on the support of educationally deprived voters continue to favor liberal penal policies? Can European social democracy be both cosmopolitan and culturally relativist (as the defender of minority cultures) at the same time? Can it retain its allegiance to a European supranationalism that undermines the vitality of democratic representative politics and thereby invites right-wing populists to be the defenders of national identity against cosmopolitan elites?

I am not making an argument for "Haidering" the left, that is, adopting the rhetoric and program, let alone the anti-democratic and anti-humanistic solutions of right-wing populism. I am suggesting that the left had better take seriously the underlying causes for the rise of populism in contemporary Europe. "The desire to transcend populism is shortsighted," Michael Kazin observes. "It is only when leftists and liberals themselves talked in populist ways—hopeful, expansive, even romantic—that they were able to lend their politics a majoritarian cast and help markedly to improve the common welfare." He is thinking of America, but this is also true of Europe. A civilized democracy can only survive in the long term when moderates sing more appealing tunes, and keep on doing so. European social democracy cannot allow populist discontent to become a monopoly of the right. ●

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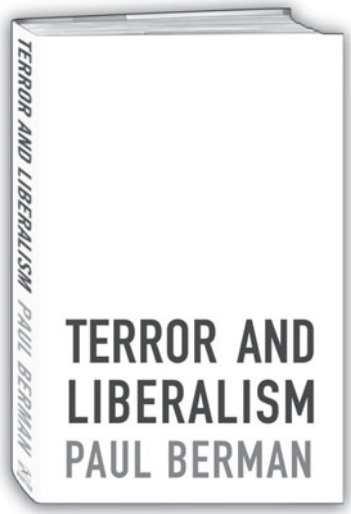

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Constitution-making in Iraq

Andrew Arato

The war in Iraq was an unjust war. It was illegal in terms of international law and immoral in terms of the minimum thresholds for humanitarian and "democratic" intervention. It was also a deeply irrational war from the "realist" perspective, that is, the standard doctrines of containment and deterrence. The embarrassing fact that Iraq had no weapons of mass destruction to contain or deter was probably well enough known by the policy makers who misrepresented and hyped intelligence before the war. The latter are perhaps guilty *only* of thoroughly and deliberately misleading the press, the Democratic opposition, and other governments along with the American public by concealing their real aims. But, whatever those were, the perpetrators can also be accused of the international crime of aggression, as well as "high crimes and misdemeanors" on the national, constitutional level. We can only hope that they will be punished by the democratic process.

What about the facts on the ground in Iraq now? Freed from a long-term dictatorship by an unjust war, Iraq is an occupied country, currently under an American military dictatorship. The epoch of colonial experiments in the "education" or "civilization" of nonwhite populations, however, is past. Thus, having found no WMDs, the American occupiers now claim to be committed to the "democratization" of Iraq, the only remaining justification for their war. They also insist that their main goal now is to return and shore up Iraqi sovereignty.

This puts those of us who opposed the war in an awkward position: we know that we should help promote democracy and the return of sovereignty to the Iraqi people. But we fear that success may help justify and, worse, reelect the perpetrators of the unjust war, thereby creating a dangerous precedent. If they remain in power, this administration and future ones may be tempted to engage in similar international adventures. And yet democratization in Iraq is intrinsically valuable, and it is asserted and demanded by many autonomous forces in Iraq itself. A successful democracy in Iraq could serve as an important exemplar in the Arab world. Thus, I believe that it is our duty as critical intellectuals to help foster the emergence of an autonomous, democratic, and liberal Iraq. Because the American people have so many other reasons to vote against George W. Bush and his Republicans, we don't have to indulge in misplaced *schadenfreude*—guilty pleasure in the failure of democratization in Iraq—which would weaken the Bush administration. Indeed, the current occupation authorities have already badly bungled the democratization process because they are driven by strategic considerations for the upcoming election and because they believe that democracy can simply be imposed. And therein lies the opening for democrats and the Democratic presidential campaign. My task here is to suggest a process that could lead to better and more stable long-term results. If the Bush administration refuses to learn from past experience in this domain, we cannot afford to do the same.

Imposed Democracy vs. Populist Democracy

Once the initial hostilities were over, three developments should have shocked even informed supporters of the war. First, the occupation authorities played a major role in smashing not only the government of Saddam Hussein but also the entire Iraqi state (disbanding of the army; total de-Baathification of the administration, going well beyond the top authorities in the police, state apparatus; and

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so on). One cannot claim lack of experience or ignorance here. The only American success in imposing a democratic regime occurred in Japan, and the success was due, in large part, to maintaining the continuity of the state. I might add that instead of attempting to privatize the economy of the occupied country and buy up its key resources, the United States helped the Japanese to establish a mixed economy with an important role for public authorities. One should also have learned from the examples of successful transition in Eastern Europe, where lustration and "de-communization" were kept to a minimum.

Having renounced nation-building as a task for our armed forces, it was amazing that the Bush administration did not draw on the authority and expertise of the UN. The latter had effectively managed the Afghan political process, as well as the one in East Timor previously. But the Bush administration was so hostile to "multilateralism" and to international institutions that it tried to go it alone, with predictable consequences. Finally, even though they hijacked the 1980s and 1990s slogan of "regime change," Bush's policy makers seemed to have learned nothing from earlier successes and failures at changing regimes. Their attempts to impose fully developed constitutional formulas, thereby short-circuiting the learning processes that only real self-determination can provide, is the most important case in point. That is the main issue now and my focus here.

For those steeped in the tradition of Tom Paine, Thomas Jefferson, and James Madison, constitutional authorship is perhaps the most significant dimension of popular sovereignty. It was thus distressing to hear Donald Rumsfeld and Colin Powell, along with administrator Paul Bremer, repeatedly speak of themselves as appointing a council (directly or indirectly) that would simply draw up Iraq's new constitution. Such talk seemed an open invitation to someone to step forward and repeat Paine's dictum that "The constitution of a country is not the act of its government, but of the people constituting a government." And, indeed, someone did come forward to say this: Ayatollah Ali al-Sistani. His *fatwah,* issued on June 25, 2003, stated in clear and simple words that ". . . these [occupation] authorities do not have the authority to appoint the members of the constitution writing council . . . .There must be general elections in which each eligible Iraqi can choose his representative in a constituent assembly for writing the constitution. This is to be followed by a general referendum on the constitution approved by the constituent assembly."

Note that al-Sistani's demand was for democratic elections for a constituent assembly whose product would be ratified in a referendum, the classic *European* populist democratic formula for the exercise of sovereign constituent power since 1793 and not the American model of 1787. But what the current American administrators offered is an imposed constitution, customary under enlightened despotisms seeking to become constitutional monarchies or colonial administrations and dictatorships like that of Chile's Augusto Pinochet in 1980 seeking legal rational legitimacy. The normative advantages of the democratic demand were thus undeniable, and the Americans never had an answer to the question of why they, rather than the Iraqi electorate, should be the source of the new constitution.

Nevertheless, the Americans were not alone in opposing populist democratic constitution-making: this prospect is alarming to many Iraqi groups. Why? Because populist democracy entails an unbound assembly (representing the "constituent power"), restrained by no prior rules, nor by any separation of powers. Carl Schmitt rightly called this model *sovereign dictatorship*, even if empirically many, perhaps most, of its applications did not lead to dictatorial rule. In the case of Iraq, a highly divided society, undivided control of a constituent assembly by a majority (perhaps 60 percent) of Shia representatives with a plenitude of power is greatly feared by minorities: secularists, Kurds, and Sunnis—and also by very many women—none of whom expect such a body to confirm their rights. And it is indeed unlikely for an assembly of this sort to practice self-limitation; leaders of the majority can press for the establishment of their preferred political models with impunity. There is no institutional mechanism that could provide an

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incentive to compromise. This may not lead to a fully theocratic state, but it would certainly lead to one in which a specific interpretation of Islam may be incorporated into civil, family, and criminal law. There is no question that an imposed American constitution, undemocratic as it would have been, would more likely have been more liberal, thus satisfying secular, minority, and women's aspirations, than one produced by a sovereign, freely elected assembly. But I want to argue that these were not and are not the only choices that exist for Iraq or for us.

Historical Lessons and the New Pattern

In their arrogance and ignorance, U.S. policy makers (almost) forced Iraq into the unhappy choice between undemocratic constitutionalism and an illiberal, populist democracy. I speak of ignorance because historical experience shows that there are other alternatives, some of which are only now being discovered, well after al-Sistani's challenge, when it may be too late.

Our own pattern of constitution-making since the Massachusetts Convention of 1780 and the Federal Convention of 1787 is non-sovereign. In these cases, and in the United States and Latin America ever since, the term "constitutional convention" refers to an elected body, or a body of delegates from elected assemblies, that co-exists with regular legislatures. Conventions in this model are confined to drafting recommendations to the electorate or to other elected bodies, representing "we the people." Admittedly, Iraq was bereft of a normal legislature and thus could not have a constitutional convention in the American sense—at least not immediately. Parliamentary constitution-making of the sort that recently occurred in some Central European countries was also excluded for the same reasons. But what *could* have been adopted from Central Europe and South Africa was the model of a two-stage, non-sovereign, constitution-making process involving comprehensive negotiations among all the relevant political forces.

Originally, the new model of constitution-making was the product of the famous third wave of democratization. This involved the establishment of roundtable negotiations by the ruling party of a dictatorship—Communist Party (CP) in Eastern Europe, the National Party (NP) in South Africa—that included all the major forces of the opposition along with its own representatives. While observing legal continuity, agreements of the roundtable would draft skeletal or full interim constitutions that would typically be forced through as constitutional amendments by the ruling party in its dominated legislature. Like the American convention model, the roundtables claimed no sovereign powers. Unlike the convention model, they were legally private gatherings that did not in any way affect the legal continuity of old regimes that were nevertheless replaced by new ones.

During the early phase of the Iraqi political process this negotiation formula seemed unlikely to work. A roundtable of all significant political forces could and should have been organized as the basis of provisional government, instead of the Governing Council (GC), the handpicked committee of the Coalition Provisional Authority (CPA). Yet the fact is that the model of Central Europe and South Africa would have been difficult to transpose to Iraq, and not only because of the absence of legal continuity and a sitting parliament. The structural position of the communist parties and the South African National Party at their respective roundtables could not be occupied once Saddam Hussein's government was gone and the old Baath Party shattered and powerless. The new forces were too weak, and the moral prestige of the remnants of the Baath too low to arrange negotiations between them.

However, after the Americans established a fully dependent, proxy government, the Governing Council, and the ministries based on this organ, the situation changed. Now this very council occupies the same structural position as the CPs in Central Europe. It too, has a foreign sponsor, anxious for a settlement for its own political reasons. Like the CPs and the NP in South Africa, the GC has its own reformist plans it would like to impose, but its legitimacy is too weak and society is too divided for it to do that. While legal continuity with Saddam's regime is gone, there has been a kind of legal order in place under a military dictatorship over the last year, which promotes

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some forms of liberalization, such as freedom of the press and the formation of political and nonpolitical associations. At the same time, Iraqi civil society exists and is capable of pressure, even though it cannot impose its own solution from below. Thus, conditions for a new negotiating forum, with the GC as one participant, discussing and deciding basic constitutional issues, improved as time went by. Moreover, given the stalemate between the CPA and al-Sistani, an interim constitution produced by negotiations, followed by elections and the drafting of the permanent constitution, could become the basis of an elegant and principled compromise.*

The November 15 Agreement

The agreement on November 15, 2003, between the CPA and the GC was a response to al-Sistani's democratic challenge. Its key components were plans for an early transfer of what they call "sovereignty" to an Iraqi provisional government; the writing of an unamendable interim constitution by the Governing Council that would provide, among other things, for a provisional legislature indirectly picked through "caucuses" by the CPA and the GC; and the signing of a security agreement between the CPA and the GC regulating the future role of U.S troops. Finally, as a sop to al-Sistani, it promised elections in 2005 for a constitutional convention that would draft the permanent constitution. Because there would be an unelected assembly at the base of the provisional government, the term "convention" to describe the constitution drafting body was well chosen. Whether or not al-Sistani noticed, the shift from his demand for a constituent assembly to a convention symbolizes a reduction (in my view, welcome) of the freedom of the elected body that was now conceded.

Al-Sistani repeatedly and energetically denounced the agreement and stood firm for free elections, as opposed to the co-opted caucuses that the Americans intended, for the first sovereign Iraqi assembly. Moreover, he and his followers denounced the idea of a security arrangement made by a non-sovereign agency, the GC. Any fool could see that the original American project aimed at establishing a quisling government to which pseudo-sovereignty would be given and with which the Americans, in classic neocolonial style, would then negotiate a "treaty" for bases, oil, and whatever else they wanted.

Although al-Sistani and his followers did not accept the idea of an interim constitution (renamed as Interim Administrative Law) produced by the GC, they paid little attention to the interregnum problem, probably assuming that it would be moot if elections occurred before the transfer of sovereignty. It quickly became apparent, however, after they had marshalled immense forces on the streets of Najaf and Baghdad to protest against the American imposition of its caucus system, that the feasibility and timing of elections needed to be discussed. Thus al-Sistani was willing to accept the guidance of the UN and its secretary general, who then sent an expert mission to Baghdad.

I had a chance to advise a leading representative of that UN mission concerning the issues they would to face as a result of the November 15 agreement and al-Sistani's resistance. My position was that the CPA/GC agreement was half right to incorporate the idea of an interim constitution, but half wrong because that interim constitution would be imposed, unamendable, and likely to become the permanent constitution. There should have been a way to make an interim constitution more legitimate, in the pluralistic (if not democratic) sense of including the major groups of society in the negotiating process. By going to Iraq, the UN actually faced a trap because the Americans wanted the secretary general to tell al-Sistani that early elections were not possible, a position that converged with the opinion of UN experts. But the same experts also considered the idea of caucuses to be a sham and did not wish to reinforce this or any other undemocratic solution. Thus the idea of a

*So I suggested after his lecture late October 2003 at NYU Law School to Noah Feldman, previously an expert adviser of the CPA on constitutional matters, who up till then did not seem to be aware of this method that could obviously serve as a potential compromise between the CPA's top down model and Sistani's populist democratic demand. I assumed from the first moment, but will never know, that the idea was immediately transmitted to the CPA, which in fact proceeded to adopt a mangled version.

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roundtable or a national conference appeared almost naturally in this discussion as a way for the Iraqis themselves to come to agree upon their own formula for a provisional government and the transfer of sovereignty.

The UN mission

The results of the UN mission of February 6 to 13, 2004, led by Lakhdar Brahimi were mixed. The final report's diagnosis of the situation in Iraq and the flaws of the November 15 agreement was excellent, with one key limitation. Again, little attention was paid to the obvious intention of the GC to impose an interim constitution. The text merely points out that "some Iraqis" noted that there may be a conflict of interest between the GC's drafting the interim constitution and its members' being eligible for governmental positions under it, a pseudo-problem, and hardly the best way to tackle the legitimacy deficit of an imposed interim constitution. The omission may have been the function of the relative (but strategic?) disinterest of al-Sistani's people in the matter or the uncompromising attitude of the Americans, or both. The rest of the document, though a bit diffident concerning a formula for forming a provisional government (expanded council, roundtable, or national conference) represents an attempt at principled compromise. Consistent with al-Sistani's wishes, not only the caucuses but the very idea of an unelected legislature (which could reduce the freedom of a later constitutional assembly or convention) are given their final coup de grâce. In line with the wishes of all concerned, "sovereignty" would be transferred to an as yet undetermined provisional government by June 30. Elections for a constituent assembly or constitutional convention before December 31 would come sooner than the Americans wished but later than al-Sistani wanted. As for the security agreement, the UN mission states that "only a legitimate transitional or elected government should agree to bi-lateral security arrangements with the Coalition."

Most important, the UN mission insists that timely elections can be held only if there is an early "agreement among Iraqi stakeholders on an electoral legal framework" and recommends the immediate setting up of an "autonomous and independent Iraqi electoral commission." Much less clearly it calls for a "focused dialogue" between the GC, "Iraqis outside the political process" (al-Sistani, but who else?) and the CPA "on the mechanism to which sovereignty will be transferred on 30 June, 2004." The UN offers its own assistance "to help build consensus among Iraqis on the specific powers, structure and composition of such a provisional governance body and the process through which it should be established."

Imposition or Another Compromise?

Unfortunately, the UN mission made one big mistake. The Brahimi report did not challenge the imposition of the interim constitution by the GC, probably because no one else made a big issue of it until it was too late, and perhaps because of the expectation of better constitutional contents (vis-à-vis religion and state issues, federalism, and perhaps women) if the Americans were allowed to do this particular job. The CPA was more than ready to jump into the breach. After flaunting his veto power, Paul Bremer pushed through a draft constitution in almost coup-like fashion (similar to the November 15 Agreement) and disarmed Shia resistance in the council by threats that the June 30 transfer of sovereignty was at stake. Moreover, he managed to present the whole controversy as a battle not between imposition and pluralism but as a fight between two impositions: the CPA's constitutional draft or the incorporation of the Sharia into civil law, an issue that the Shiite members handed to him on a silver platter. If this document could be signed, Bremer could then be portrayed by the Bush electoral campaign as the Madison of Iraq.

This constitution, however, whenever it is signed, will not last for two hundred or even four score years. Al-Sistani is surely not unduly worried about the document itself, because without a strong provisional government and a legislative assembly (or a Constitutional Court as in South Africa!) there will be no agency capable of forcing a freely elected constituent assembly (because that is what it will be, not a convention) to adhere to its provisions. If he had theocratic goals (and I don't think he does),

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there is nothing in a piece of paper authorized by no one apart from the Americans to bind him to seek any other goals. Lesser legitimacy cannot normatively bind greater legitimacy. An important opportunity was lost, because in comprehensive negotiations more realistic points of compromise could have been found and then underwritten by binding promises.

Of course such an agreement would have taken time, and time is what the Bush government does not have in this election year. Bushites care more about attractive rights enshrined on paper now than the reality of those rights after free elections later. For this government, eight months of stability around its imposed program of transition would be quite enough. But even that time span is uncertain, because of the lacuna left by the UN report, one that the interim constitution apparently did not dare to fill: the structure of the provisional government and the process by which it will be selected. I leave aside the other crucial issues such as the continued existence of the local militia.

Having failed to explicitly propose the setting up of a roundtable or a national conference, the UN has apparently left these questions to chance and the good will of actors. The trouble is that the two major Iraqi players, the GC and al-Sistani, have no immediate interest in including anyone else in a bargaining process. As for al-Sistani, he has only to wait until December 31, and he may prefer an illegitimate interim constitution and a weak governing council to warm the seats of power for him. The Governing Council, however, needs to refurbish its legitimacy if it is to govern in a plausible manner, and if its constituents are to do relatively well in free elections. Thus, if the religious Shia members let them, they may well opt for an expanded GC (the formula of Adnan Pachachi): a proto-legislature with new and distinguished faces whose members would be co-opted by the present GC. If successful, this formula would constitute a return to the November 15 program. But, the Shia clerics would have to be asleep to allow all this to happen, and so far they have distinguished themselves mostly by sober vigilance. The projected road therefore is one of heavy conflict and contestation, all the more so because there has been zero effort to involve a political arm of the neo-Baathist insurgency or any other credible Sunni partner in the process.

It may be that the UN will still push through a genuine roundtable of stakeholders, or an autonomous National Conference, to set up a new and more legitimate provisional government. Perhaps some new agreements can still be secured concerning the future of fundamental rights. Actually, that would be the safest course for the American government as well. Astonishingly enough, Bremer continues to trust a program of imposition, one that seems to break down every two months or so. An inability to learn is the salient character of this administration.

We on the other side who are not similarly afflicted should do all we can to promote the alternative that will lead to a better Iraq. Public discussions by scholars and intellectuals, bringing in both UN experts and relatively enlightened political figures from both American parties, seems the best strategy for this task. In the end a better Iraq must mean a better world, and a better world a better America. Now that we have experienced all the negative consequences and side effects of this unjust war, there may be time to produce some results beneficial to human freedom.

POSTSCRIPT: Al-Sistani, the Minority Veto, and the Road to Civil War

Ayatollah al-Sistani was indeed not asleep. The interim constitutional draft was to have been signed on Friday, March 5, in Baghdad, in the Green Zone. Quite astonishingly, the draft contains a ratification rule, whereby the permanent document produced by a freely elected assembly can be vetoed by the voice of the two-thirds of the voters of three provinces or governorates. To this, al-Sistani responded dramatically by symbolically pulling the plug, for the third time, on the project of the U.S.-dominated CPA to impose a constitution on Iraq. At least half of Iraq must be laughing, but it is no laughing matter. If the CPA and its partner, the Governing Council, do manage to impose a rule in the interim constitution whereby the permanent document can be vetoed by as

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few as one in nine voters, Iraq will be on the road to civil war soon after free elections are held.

The goal of enshrining minority protections before majority rule is a worthy one. But rigid minority vetoes are the wrong way to achieve this objective. The right way would have been the production of the interim constitution through an uncoerced agreement and solemn promise of all major stakeholders. In the actual case, there was much coercion by the CPA, but little participation by groups other than the GC, violating the spirit if not the letter of recent UN recommendations.

Of all the disputed provisions, only the extreme minority veto matters. Also very serious, though undisputed for now, is the amendment rule of the interim constitution, permitting revisions only after the election of the National (constitutional) Assembly in December or January, and then only with three-quarters of the votes, and agreement of all three members of the presidential council (Shia, Sunni, and Kurd), in effect, absolute consensus. Without such an amendment rule, a freely elected constitutional convention could change everything else that it objects to in the interim constitution, and do so legally. With it nothing can be changed. Moreover, with the provision of the veto by three provinces (most likely Kurdish, but very possibly Sunni Arab, if there is a Kurdish-Shiite private deal), even a very large majority may not be able to change anything of importance. The basically (if not formally) unamendable interim constitution can thus easily be made permanent by a minority attached to it, with or without American pressure.

Thus the concessions to al-Sistani that he won in a formidable political battle after his *fatwah* of June 2003, involving relatively early elections for a constitutional assembly, may not amount to anything. There will be an assembly, freely elected. But not only will it not be sovereign, as al-Sistani (unreasonably) wants, it may not be able to decide anything important. To this very possible outcome he rightly objects.

What is happening for a second time now (the first time was the November 15 Agreement) is that the Americans are trying to outsmart a player who is strategically more sophisticated than they seem to imagine. And al-Sistani is in the driver's seat, because he knows that the Bush administration needs a stable solution soon enough for the U.S. elections. This stability he can easily deny to them.

Let us consider why al-Sistani finally gave in, or pretended to do so, and allowed the signing to proceed. The episode reminds me of the Hungarian transition in October 1989, when the moderate opposition negotiated a deal with the Communists, the radicals renounced their veto power and allowed the signing, but then turned to the population in a successful referendum on the key issue, parliamentary vs. (semi) presidential government. And voilà al-Sistani on the day of the signing issued a new *fatwah*: "any law prepared for the transitional period will not gain legitimacy except after it is endorsed by an elected national assembly. Additionally, this law places obstacles in the path of reaching a permanent constitution for the country that maintains its unity and the rights of its sons of all ethnicities and sects." This of course is an appeal to "the people" over the GC.

We now know that the Kurds threatened to bolt the entire process, under an American umbrella, and leave the governing council, if the Shiite five persisted in blocking the interim constitution. But for the Kurds too the result could very well be the worst possible one. "We've decided to sign the constitution and resolve the problems in it later," said Hamid al-Bayati, a senior leader with the Supreme Council for the Islamic Revolution in Iraq, according to Dexter Filkins of the *New York Times* (March 8, 2004). This is an ominous remark, because the interim constitution is in effect unamendable. It could thus refer to two things. The interim constitution still does not contain a formula for the provisional executive to which the Americans will transfer authority by June 31. Al-Bayati could be implying that there is a Kurd and Shia deal, that will be supported by a lot of pressure in the streets, according to which the latter will get control of that executive, presumably five persons (three Shia, one Sunni, one Kurd) as they demanded. In that case the interim structure's survival is no problem for al-Sistani, who will already have power through

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it. That may be why he or the five have not raised the problem of the unworkable amendment rule, which is to their benefit if they have the executive power.

If this is not the case, there is still the most fateful and dangerous possibility. Once a constituent convention is elected, before December 31 (but after the U.S. elections), its Shiite leadership will have greater legitimacy than did the CPA and the GC, the authors of the interim constitution. The convention will then have both the power and the authority to transform itself into a "runaway convention" (like that of Juan Perón in Argentina in 1948 or Hugo Chavez recently in Venezuela), claim sovereign powers, and pass any constitution it wishes, including new rules of ratification, most likely with minority protection and a form of federalism thoroughly unsatisfactory to the Sunni Arabs and Kurds. And if this happens the latter will certainly fight, with the remaining American troops facing the possibility of a new Lebanon. ●

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Anti-totalitarianism as a Vocation

An Interview with Adam Michnik

Thomas Cushman

Adam Michnik, a leading force in the Solidarity trade union movement, and the founder and editor of the largest Polish daily newspaper, Gazeta Wyborcza, *was an outspoken supporter of the war in Iraq. In this interview, which occurred in Warsaw on January 15, 2004, Michnik clarifies his position on the war and discusses the responses of other European intellectuals.*

Thomas Cushman: I'd like to focus on the response of Polish intellectuals and former anti-communists and activists to the war in Iraq, Polish relations with America more generally, and how the latter have affected relations between Poland and other European countries, especially those that were against the war. I am an American liberal who supported the war in Iraq on humanitarian grounds. It's somewhat difficult to find such people in the United States, so I've had to come all the way to Poland to find liberals who support the war. In your essay "A View from the Left: We the Traitors" (*Gazeta Wyborcza*, May 29, 2003, and in English in *World Press Review*, June 2003), you took a very strong position of support for the war in Iraq and noted that you share that position with other former dissidents. Could you explain this in more detail?

Adam Michnik: I look at the war in Iraq from three points of view. Saddam Hussein's Iraq was a totalitarian state. It was a country where people were murdered and tortured. So I'm looking at this through the eyes of the political prisoner in Baghdad, and from this point of view I'm very grateful to those who opened the gates of the prison and who stopped the killing and the torture. Second, Iraq was a country that supported terrorist attacks in the Middle East and all over the world. I consider that 9/11 was the day when war was started against my own work and against myself. Even though we are not sure of the links, Iraq was one of the countries that did not lower its flags in mourning on 9/11. There are those who think this war could have been avoided by democratic and peaceful means. But I think that no negotiations with Saddam Hussein made sense, just

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as I believe that negotiations with Hitler did not make sense. And there is a third reason. Poland is an ally of the United States of America. It was our duty to show that we are a reliable, loyal, and predictable ally. America needed our help, and we had to give it. This was not only my position. It was also the position of Havel, Konrad, and others.

TC: Yes, you specifically mention that this is a view you share with Vaclav Havel and Gyorgy Konrad.

AM: We take this position because we know what dictatorship is. And in the conflict between totalitarian regimes and democracy you must not hesitate to declare which side you are on. Even if a dictatorship is not an ideal typical one, and even if the democratic countries are ruled by people whom you do not like. I think you can be an enemy of Saddam Hussein even if Donald Rumsfield is also an enemy of Saddam Hussein.

TC: This is a difficult position to find on the left in the United States. It seems as if many people would not support the fight against totalitarianism because it was being waged by a government that they did not like.

AM: Susan Sontag's speech from the Frankfurt Book Fair will be published in *Gazeta Wyborcza*.* I think that when she hears what I'm saying here, she's no longer going to extend her hand to me.

TC: But unlike Sontag, who has never had any direct experience of totalitarianism, your position seems to be directly related to your experience as a revolutionary, as an antifascist and an anticommunist. Is your view on the war a natural progression from this experience?

AM: It's simply that life has taught me that if someone is being whipped and someone is whipping this person, I am always on the side of those who are being whipped. I've always criticized U.S. foreign policy for forgetting that the United States should defend those who need to be defended. I would object to U.S. policy if it supported Saddam Hussein, and I have always criticized the United States for supporting military regimes in Latin America.

TC: In your writing you often criticize utopian politics. It seems that George W. Bush's vision (or that of his neoconservative advisers) is a utopian vision: destroying totalitarianism and instituting democracy. A large part of the reaction against Bush seems to be focused on his revival of some kind of American messianism. How do you reconcile your criticism of utopian thinking with support of this seeming American utopianism?

AM: Bush has a utopian ideology . . . maybe not Bush, but maybe his circle. Perhaps I'm being naïve, but I don't think it is utopian to want to install democratic rule in Iraq. If it won't be an ideal democracy, let it be a crippled democracy, but let it not be a totalitarian dictatorship. I don't like many things in today's Russia, but we have to say that there is a difference between Putin and Stalin. In my opinion, the religious visions of Bush's circle are anachronistic. I can't believe that John Ashcroft has personal conversations with God every day, who tells him what to do. But if God told him that he should destroy Saddam, then this was the right advice, because a world without Saddam Hussein is better than a world with Saddam Hussein.

TC: This is a fundamental political ideological position.

AM: Yes, but I can imagine that even a bad government guided by a bad ideology can enter into a just war.

TC: In "We the Traitors," you mention that you communicated with Havel and other European intellectuals about the war in Iraq and that there seems to be some solidarity between East-

*ED.NOTE: In this speech, published as "The Fragile Alliance" in the *Guardian* of October 18, 2003, Sontag focused on the rift between American and European civilization. She offered distinct criticism of the polarizing rhetoric that has been at the base of much of the Bush administration's war against terrorism and of American unilateralism as principal causes of the current U.S.-European tensions. Her position stands in contrast to Michnik's focus on anti-totalitariansim and the perils of Saddam Hussein and terrorism. She made virtually no mention of internal European politics as a source of tension between the United States and Europe.

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ern European intellectuals and the United States vis-à-vis the war in Iraq. On the other hand, many, if not most, Western European intellectuals, particularly in France, and also left intellectuals in America, took a diametrically different position. Given your longstanding positive relations with American and European intellectuals, have you experienced any backlash against your position?

AM: Yes.

TC: And what do they say? I find that when I try to debate the issue with many left intellectuals, they just shut down, refuse to hear the arguments. Many of them simply express a visceral hatred of George Bush, and this seems to block any meaningful discussion of the antitotalitarian justification of the war. They simply cannot understand, nor do they seem to want to understand how a liberal intellectual could support the war in Iraq.

AM: Well, who was worse, Ronald Reagan or Leonid Brezhnev? If I were American I would never have voted for Reagan, but as a Pole, I liked the tough position of Reagan toward Brezhnev. Perhaps Reagan did not quite understand what he was doing, and maybe Bush doesn't understand either. But the facts are that, suddenly, Libya has begun to speak a different language. Syria has begun to speak a different language. Even North Korea has started to speak a different language. This is not to say that Bush is always right. Of course not. But you must see the hierarchy of threats, of dangers. I asked my French and German friends, Are you afraid that tomorrow Bush will bomb Paris? And can you really be sure that terrorists and fundamentalists will not attack the Louvre? So which side are you on?

TC: So it's either-or . . . you're either with us or against us.

AM: Unfortunately, yes

TC: But this is the attitude of fundamentalists.

AM: No, it's not fundamentalist because I don't believe that there are nations that are, let's say, cursed. I remember that the United States of America, after the bloody war with Germany and Japan and Italy, helped these countries become democracies. When I visit my friends in Spain, who always criticize the United States, I ask them, "In 1945, were you mad at Americans for not overthrowing Franco, or did you expect them to do this?" And they say that it was awful that the United States did not go into Spain and overthrow Franco. In some ways Franco was worse then Saddam Hussein.

TC: But the average left intellectual in the United States won't listen to this argument. If one supports the war on liberal grounds, then antiwar liberals disagree with the prowar position—and, of course, those on the right who support the war don't agree with the liberal justification.

AM: Well, we had a similar situation under communism because even though we hated the communists, they fought about the border with Germany, and we anticommunists had exactly the same position as they did.*

TC: How do your friends in Europe reply to this argument?

AM: Well, they say that Americans want to have power over the whole world. They criticize unilateralism. They say that they do not agree that the United States of America should dictate to the whole world. They also say that international law is being abused, that the United Nations did not consent to this. So I simply say that it's not that I want the United States to have all the power in the world, but that I prefer this to Saddam Hussein.

TC: So would it be right to say that you believe that there is a moral imperative that is greater than international law?

AM: Of course.

TC: But this is the paradox, the problem that

*ED. NOTE: The issue of the Polish-German border was a matter of dispute throughout the twentieth century. In 1950, the Oder-Neisse line was established at the border, but was not initially accepted by West Germany, because many Germans were displaced from Polish lands without being granted the right of return and because of concerns over the rights of the German minority in Poland. Eventually, the Federal Republic of Germany accepted the border as a condition of reunification, but throughout the process, it was a contentious issue around which dissidents and communists in Poland tended to unite.

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we face. The moral argument confronts the body of international law and falls flat.

AM: What is international law when you have the human rights commission in Geneva headed by Libya?

TC: In one of your earlier articles in *Kritika*, called "Three Kinds of Fundamentalism,"* you stress the dangers of fundamentalism: it expresses "the conviction that one possesses a prescription for the organization of the world, a world free of conflicts other than the conflict between good and evil, free of conflicts between interests and different points of view. " This is exactly what many American and European intellectuals say about George Bush.

AM: They're right. They are absolutely right. The only thing they are wrong about is the war in Iraq.

TC: So the war is acceptable in spite of the fact that George W. Bush, with his rhetoric of evil, might be something of a fundamentalist and is engaging in dangerous politics?

AM: I don't think his international policies are dangerous. I think it is the way he justifies these policies.

TC: What about his justifications?

AM: I think it's always dangerous to make political arguments in a religiously ideological way. And it's very dangerous to treat as traitors to the American nation those who think differently. I think it's very dangerous to use foreign policy to achieve goals in internal policy. But, still, I think that the decision to overthrow Hussein was right and just. Of course, you can win the war and you can lose the peace, and this is what I'm afraid of now. I'm afraid today that the spirit of triumphalism is ascendant in U.S. policy. So if President Bush asked me, I would advise him to involve the United Nations in Iraq. I would seek reconciliation with the countries in Western Europe that criticized the war in Iraq. I think that it was a mistake not to use NATO structures in this war. It is impossible for the United States to deal with the whole world on its own. The United States must look for allies . . . should reunite their country with Europe. You must not be offended with Europe because the United States has much in common with, say, France. This conflict is a gift for terrorists and fundamentalists.

TC: Throughout your revolutionary period, when you were fighting against communism, you always took a position of nonviolence. Now, in supporting the war you are advocating violence. Can you explain this? I ask this because many people in the United States admired you for your nonviolent stance against communism. But now they say, "Michnik advocates nonviolence, but he's supporting this war." Isn't it paradoxical to advocate the promotion of human rights through violent means? I realize that this is a difficult question

AM: No, it's a very easy one. I can't remember any text of mine where I said that one should fight Hitler without violence; I'm not an idiot. Against [Polish premier Wojciech] Jaruzelski you could fight without violence, even against Brezhnev. This is clear if you look at [Soviet dissidents] Andrei Sakharov and Aleksandr Solzhenitsyn. But never against Saddam Hussein. In the state of Saddam, the opposition could find a place only in cemeteries.

TC: So some situations call for violence in order to overthrow totalitarianism, fascism?

AM: Of course. I've never been a pacifist.

TC: No, I know that. But I repeat: in the United States, people say that Michnik was for nonviolence, and now he's for violence. This is what people tell me.

AM: There are dictatorships against which you can fight without violence; for example, the British Empire in India. But in the Third Reich of Hitler, there was no possibility of this.

TC: Let me ask you about the role of Israel. Given your Jewish background, are you ever subjected to accusations of serving Israeli interests?

AM: Not even in Poland have I ever been accused of this! We have the whole universe of

*This essay appears *in Letters from Freedom: Post-Cold War Realities and Perspectives* (University of California Press, 1998), pp. 253-259.

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anti-Semitic dispositions in Poland, but I've never been accused of serving Israeli interests. I'm not even accused of being pro-American, because most Poles are pro-American. You can say that I look at Israel and the Middle East from the point of view of a Polish intellectual who likes the country, but does not like Ariel Sharon. Israel is the only country in the Middle East where Arabs can be elected to the parliament in a democratic election.

We invited several Iraqi journalists to our newspaper, to *Gazeta Wyborcza*, for a roundtable. What they said about Saddam Hussein's regime, well, you can't imagine. I would advise my critical friends in the United States to talk to the Iraqi people. Let them talk to Iraqi journalists who suffered in silence for so many years. In relation to Iraq, critics of the war only hear the voices of the neoconservatives.

TC: Why are Western European intellectuals deaf to this moral argument?

AM: Well, Hans Magnus Enzensberger, Bernard Kuchner, and others aren't deaf. It's related to why so many Western European intellectuals did not want to hear about Stalin's crimes for so many years.

TC: It's an interesting problem for the sociology of intellectuals and ideology. There is some continuity in the deafness to moral argument, some relation between past and present.

AM: It's a sociological and historical problem. Look at France. France can never accept that it is no longer a dominating power in the world of culture. This is true both of the French right and the French left. They keep thinking that Americans are primitive cowboys or farmers who do not understand anything. If Americans do not understand the difference between Sunnis and Shiites, what do they know about the world? But this doesn't change the method. Americans could never understand the difference between the right and the left in Germany, but they knew that Hitler should be defeated!

TC: Now we have a situation in which Polish troops are involved actively in Iraq. How do you feel about the fact that there are Polish troops supporting what many see as an American imperial venture? For many years the Poles were put down by empires, by Russia, by Austria-Hungary, by Germany, and all of a sudden the Poles are the allies of the new American Empire.

AM: No, we are not in Iraq as part of the empire, we are there for freedom. If America were to occupy a foreign country only because it's not friendly toward the United States, we would be against it.

TC: This does not represent some kind of will to power on the part of Poland?

AM: Oh sure, the Polish people *dream* about Baghdad being our colony!

TC: But still, in all seriousness, here are the Poles, the Americans, the Australians, the British, and they're occupying this country, and so the rest of the world looks at Poland, and the perception is that it's part of the imperial project of America.

AM: Did they criticize the fact that four countries—the United States, Britain, France, and the Soviet Union—occupied Germany after the Second World War?

TC: In my discussions with some other Polish intellectuals, who are critical of the war, they claim that Iraq is not the same kind of situation.

AM: It's never the same.

TC: They say that the intellectuals who support the war in Iraq don't understand that Saddam Hussein is not Adolf Hitler, and so on. I interviewed Jacek Kuron the other day and, as you know, he was against the war. He was critical of the idea that the fight against Saddam Hussein is the same thing as the fight against Hitler.

AM: Well, it's obvious that Saddam is not Hitler. Pol Pot was not Hitler either. My fundamental question is, What would Saddam Hussein have to do for my dear friend Jacek to agree that he's as bad as Hitler? What more would he have had to do? Invade Poland and build gas chambers in Auschwitz one more time?

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TC: Have you changed your position at all on the war in Iraq now that it's over?

AM: No. But I wonder whether America is not making mistakes after the victory. Regarding the decision to overthrow Saddam Hussein, I have no doubts. Still, I don't know if the policy of stabilization is optimal. Here, I'm afraid of American arrogance, the lack of sensitivity to the culture in Iraq, to the Iraqi people. The State Department should get Americans of Iraqi background more involved in Iraq and so far as I know they are not doing this.

TC: So are you more negative about the post-war situation than you were about the war itself?

AM: The war was just and fair. But what's happening now requires different methods. It's not enough that we have technology, we must help the people there. And I'm afraid of the ignorance and arrogance of the Americans.

TC: What do you mean by American arrogance? How do you define it?

AM: They do not understand the sense of Iraqi dignity, the dignity of Saddam's enemies. If you're powerful, you are much more likely to be blind and deaf to signals from outside. ●

The interviewer would like to thank the U.S. ambassador to Poland, Christopher Hill, and Patricia Hill for arranging this interview. Helena Luczywo served as the translator for the interview.

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Bait & Switch

Hucksters in the White House

James B. Rule

The bait-and-switch scam is universally known among retailers. The huckster advertises an attractive item—an appliance, aluminum siding, a new kitchen—at an astonishingly low price. That's the bait, and consumers predictably rise to it.

Then, once the seller has engaged the would-be buyer, the story changes. The advertised item isn't really available after all. It's out of stock; or it's not the appropriate model; or it's really unreliable, used merchandise. *But* the seller just happens to have something else available that would do the trick—for about twice the price of the original "bait." Many a customer, his or her consumer juices now flowing, can't resist the huckster's blandishments and ends up springing for the higher-priced item. That's the switch.

For the scam to work, mere presentation of the switch does not suffice. The huckster has to have his speech prepared to disarm the customer's inevitable misgivings. After all, what the buyer originally had in mind was rather different—and a lot less expensive. Not to worry, the story goes. In a few months or a year, you won't remember the money you've lost. Indeed, once you experience the outstanding advantages of the option you ultimately had the good sense to choose, you'll agree that this new deal is really *much better for you.* No doubt some of the perpetrators actually believe their own words at this point.

Bait and switch is outlawed in many states as a selling practice. But it flourishes at the highest levels of American statecraft. The selling of the Iraq campaign is simply the most outrageous recent example. Grave as that exercise in deception and self-deception was in itself, the broad pattern of such events worries me even more deeply.

The case of Iraq is by now well documented. We know that elimination of Saddam Hussein was the aim of key figures in the current administration from Day 1. September 11 created

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the ingredients in American public opinion that could be exploited to that end–the fear, the suspicion, the willingness to believe in far-reaching conspiracies abroad that would have deadly consequences at home. Of course, considerable obstacles remained. Most Americans found it difficult to support an aggressive military campaign abroad, unless it were aimed against compelling danger to this country's safety. Hence, the indispensability of the weapons of mass destruction hype. The recent orgy of Monday-morning quarterbacking has revealed ample evidence for skepticism of danger from such weapons during the run-up to the war. But the regime in Washington focused attention on those misleading scraps of evidence that looked ominous—and twisted them into a crescendo of propaganda culminating in George W. Bush's winning appeal, "Don't tie my hands." Nobody did, of course, especially not the press or our elected representatives. Probably at least some of those orchestrating the hype actually came to believe it.

But what America has encountered in Iraq, as everyone now knows, is not the promised bait. Most Americans (not the hucksters, but the once-skeptical majority) expected to be freed from the threat of weapons of mass destruction and to have our military efforts met with gratitude from the Iraqis and an upwelling of democratic sentiment and institutions. But the weapons were not there, and creation of anything resembling enduring pluralism in Iraq is proving far more costly in blood and dollars than we were told—if indeed this latter aim can be realized at all. What we've actually bought, it seems, is an open-ended colonial role in a fractious country with little inclination to accept American political tutelage. This bargain would not have been accepted by most Americans as sufficient justification for going to war, had it been honestly presented as such in the first place.

Does this pose a problem for those who hyped the sale? Not if matters are handled right. Thus, the switch. It's true, we're told, that the original deal wasn't quite what it was touted to be. The WMDs weren't really there to be removed. But, the sellers now aver, the imminent threat of weapons of mass destruction wasn't that important after all. And even if Iraq didn't have such weapons in 2003, it might have gone on to acquire them. (Sometime. Or maybe not.) And though what we've ended up with is far more costly, isn't it really worth it, after all? Aren't we glad to be rid of that dangerous tyrant? (A tyrant whose regime was built up in the 1980s by Washington.) Aren't we all safer, now that we're "draining the swamp" where terrorism proliferates? (Probably not, but we're not supposed to think about that.) And didn't even the Clinton administration agree that Saddam had to be gotten rid of? (Who knows?) And didn't Congress and the media agree on the war? (Yes, on the strength of propaganda generated by the Bush regime.) So, let's bring out more flags, salute our brave fighting men and women in the field, and cease these backward-looking quibbles about weapons of mass destruction.

By the time you read this, this list of rationalizations for the switch from what was promised to what's been delivered will undoubtedly be longer and far more embellished.

For now, I leave it to others efforts to pinpoint the details of how utterly the American public was misled in the run-up to the Iraq War—how the evidence counseling skepticism about WMDs was censored, who knew of the scam and who didn't, and so on. Instead, I'm concerned about something even more important: the quality of public discourse in America, and especially the ways in which this country is mobilized for major national purposes.

Many enthusiasts of the American invasion of Iraq now acknowledge that—for them—the infamous threat from WMDs was never a big consideration in their desire for war. But the fact is, for many thoughtful Americans, and indeed for some others around the world, the WMD issue was decisive. That very fact motivated the regime in Washington to focus all possible attention on the supposed threat and to orchestrate the propaganda assault that undercut reasoned skepticism and sent us to war. Members of the war party banked on the assumption that, by they time they had to match their assertions about threatening weapons with evidence, the world would look vastly different. As the catch-phrase goes, by then we would all be "on a different page."

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Something is profoundly wrong here. Americans are yielding to a world where national leaders build support for even the weightiest and most far-reaching public decisions by invoking rationales that are known to be evanescent, when they are not completely transparent. In this world, what professional politicians call "the political justification" even of momentous policy directions has less and less to do with the actual considerations that move the country's elites. The Bush administration has honed this art in matters relating to the environment and the economy, as much as in foreign policy. The worst of it, in this latter and most notorious instance of bait-and-switch, is that even some on the left side of the political spectrum were prepared to support a war whose public justification should always have been branded as tenuous. During the run-up to the war, it would have been inspiring to have heard from anyone of any political stripe who wanted to support an invasion whose aims were presented honestly, but who refused his or her support because of the deceptive rationale. Was there *anyone* who ascribed greater import to the damage to public discourse caused by the trumped up *casus belli* than to the alleged benefits of destroying Saddam Hussein? I may have missed something, but I cannot recall any such principled pronouncements.

No one seems be counting the costs that slippage imposes on our public life. Americans are growing inured to the premise that, by the time a policy has run its course, no one will any longer remember, or care about, its original rationale. The result threatens transformation of political debate into a sort of postmodern theater—or, more, a high-stakes liars' contest. Until severe consequences are imposed on those playing this game, bait and switch will continue to degrade our public life. ●

James B. Rule is at work on a book on privacy protection in America and abroad.

Spain, Italy, Peace, and Terror

Joanne Barkan

If you're an American who didn't support the war in Iraq, what have been your choices since "major combat operations" ended in April 2003? Call for withdrawing U.S. troops, leaving the Iraqis to cope with the colossal and tragic mess produced by the Bush administration? Give the Bush people another eighty-seven billion dollars to use as they please? Argue that the United Nations should take over right away when the organization could not possibly handle the violence and chaos without a larger, better organized coalition?

After the invasion, many of us hoped that Europe would unite in a nation-building effort to counter the Bush administration's bungled and self-interested occupation. More generally, we've hoped that our natural allies—European leftists, either as government parties or opposition movements—would act together as protagonists in an alternative to U.S. hegemony. But for the most part, the left in Europe hasn't shown much interest in pro-active counter-hegemony. As some Italian activists like to say, there already is a second superpower in the world: all the people who want peace. As for postwar Iraq, much of the European left has been satisfied with "End the occupation now"—also the theme of this year's international mobilization on March 20.

The dilemma of the occupation might well be a non-issue in a matter of weeks. On July 1 nominal authority passes to the Iraqis, and the United Nations will probably provide a mandate for the troops that remain. Some nations

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that refused to participate without the UN might send troops. But the question of what the European left has to offer as an alternative to U.S. hegemony remains. Here are two cases in point: one that inspires some hope and one that doesn't yet—Spain and Italy.

The horrific terrorist attack in Madrid on March 11 and the startling upset in Spain's parliamentary elections just three days later changed the foreign policy map in Europe—and, given what we know so far, changed it for the better for many who oppose the Bush administration's foreign policy. Spanish voters threw out (an apt verb given the speed and vehemence with which this happened) Prime Minister José Maria Aznar's Popular Party and voted in José Luis Rodriguez Zapatero's Socialist Party. Zapatero immediately announced that he would make the fight against terrorism his top priority *and* withdraw Spain's troops from Iraq at the end of June unless there is a UN mandate.

Zapatero did not "reward" Islamist terrorists (the perpetrators of the Madrid atrocity). He won a democratic election and has campaign promises to keep, including leaving Iraq. But the election did repudiate the Bush administration's twisted claim that the war in Iraq makes the world safer from terrorism. Spanish voters didn't turn against military operations in Iraq because of the terror in Madrid. Some 85 percent of the population opposed the war in Iraq and participation in the occupation from the start. Although the Aznar government ignored public opinion on Iraq, many Spaniards had planned to vote for his party because they liked his domestic record. The electorate spurned him after the bombings because he blamed them on Basque terrorists despite growing evidence to the contrary, thus playing the politics of lies with Spain's greatest national tragedy in decades.

The tragedy was not a "price" anyone paid for the upset election; no one accepted the tragedy, let alone wanted it, except the perpetrators and their supporters. But the result of the election will be a reshaped foreign policy for Spain. Prime Minister-elect Zapatero laid out his goals for the European Union: a united EU foreign policy, an EU constitution (Spain under Aznar, along with Poland, stymied the last effort), and repaired relations with France and Germany. Some of us believe that France, Germany, and Russia bear a share of responsibility for not preventing the Bush administration's war in Iraq (their inept power politics and vested interests in Iraq are a well-known story). But a more united Europe with Zapatero's promised focus on fighting terrorism—a focus largely ignored by the U.S. media—could be a great good. It could mean better intelligence gathering, more coordinated police work, and more effective opposition to reckless war.

Any nation is at risk for Islamist terrorism. But simple, perhaps simplistic, logic says that Britain, Spain, and Italy have been at greatest risk; their governments tied themselves most closely to the Bush administration. Italy's center-right government under Silvio Berlusconi maintains about 2,700 troops in Iraq.

Antiwar sentiment in Italy ran high before, during, and after the invasion. On February 15, 2003, when people around the world rallied against the coming war, a million or more Italians marched in Rome. The demonstration's success boosted the political clout of the large antiwar movement that calls itself pacifist. In July all the left parties in Parliament voted against stationing Italian troops in Iraq: they had protested the illegitimate war; they wouldn't support the U.S. occupation. They didn't agonize much over the chaos in Iraq.

Italy's seven left and center-left parties are chronically divided. When time came this past February to renew funding for all of Italy's military missions (in Bosnia, Kosovo, Macedonia, Albania, Afghanistan, the Mideast, East Africa, and Iraq), the left parties entered a byzantine web of negotiations. The jockeying concerned alliances for the European parliamentary elections in June and relations with the pacifist movement. It didn't dwell on the consequences for Iraq of pulling out troops. The seven parties, still divided, produced a mix of "not yes" votes on funding: no's, abstentions, and refusals to vote at all—each variant with its own political nuance. "A veritable Kama Sutra of positions," one right-wing opponent scoffed. Meanwhile, the outcome of the vote in Parliament had never been in doubt. Berlusconi's substantial majority approved the funding.

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The most immediate pressure on Italy's left parties—especially on the largest of them, the Left Democrats (DS)—comes from the pacifist movement. The movement is looser and more heterogeneous than its name implies. For example, the organizing committee for the March 20, 2004, "No to the War in Iraq" demonstration included about one hundred twenty organizations: labor unions, left political parties, religious groups, and activist associations of every kind. Not all these organizations are pacifist in the usual sense of the word—opposition to violence as a means to resolve disputes under all circumstances (often with support for nonviolent citizen resistance). The most prominent spokespeople for the movement call for an end to all wars: "Without ifs and without buts" is the slogan. They opposed war in Kosovo and Afghanistan as well as Iraq, but, in general, no one says much about wars not waged by the United States.

Most of the left parties have tried to adopt the language of pacifism and accommodate the political demands of the movement. This hasn't always been easy. Take, for example, funding for the troops in Iraq. A majority of the DS opted not to cast their votes: Berlusconi wouldn't allow a separate vote on the Iraq mission, and the DS majority didn't want to vote against funding the other missions. But the organizers of the March 20 demonstration wanted a no vote; when they didn't get it, they told the DS they were no longer welcome to participate in the demonstration. The DS went anyway, with its own slogans and banners, and was viciously attacked by groups of bottle-throwing, bat-wielding young people. Only some of the March 20 organizers expressed chagrin.

Strange is the only way I can describe the Italian left's current effort to adopt the language of pacifism. Every strand of Italy's left tradition—communist, socialist, liberal, and Catholic—was tempered in the armed resistance against fascism, and well into the 1980s at least, the left used the Resistance as a touchstone for what was best and noble in its tradition. The "old" as well as the new left in Italy celebrated third world wars of liberation. It would be too easy to dismiss all this as dead history. In its 2002 statute, the Party of Communist Re-founding describes itself as being inspired not by Mahatma Gandhi or Martin Luther King, Jr., but by the "thought of Karl Marx." Still, the leaders of Communist Refounding seem to use the language of pacifism with ease.

The DS and some of the labor unions have more difficulty. The day after Zapatero's Socialists won the Spanish elections, leaders of Italy's center-right parties called the outcome a victory for terrorism. That same day, Piero Fassino, secretary of the DS, asked the March 20 organizers to make the event a protest against terrorism as well as a demonstration for peace. The head of a major labor confederation made the same request, adding that they should all march not as pacifists but as peaceable people. The organizers refused. Father Albino Bizzotto of the Blessed Builders of Peace (*i Beati construttori di pace*) explained, "The demonstration was already against terrorism because you can't combat it except with peace."

For U.S. Secretary of Defense Donald Rumsfeld and company, pacifism demonstrates how effete, ineffective, and out-of-touch "Old Europe" is—as opposed to the uncritically pro-Bush "New Europe." In fact, rigorous pacifism remains a relatively small movement everywhere in Europe. The widespread, popularized use of pacifist rhetoric reflects something else: the relative wealth, security, and "peaceableness" of the European Union. This is post-conflict Europe. The rhetoric implies, We Europeans live in a zone of peace. We see no advantage in making war, so why can't everyone else adopt the same enlightened attitude?

The European Union *is* the new peaceable Europe—and it would be great progress if the rest of us were more like the EU. But the popularized rhetoric of pacifism doesn't amount to a foreign policy. If the European leftists who rely on the rhetoric recognized this fact, they could get to work on concrete proposals for a united EU foreign policy, proposals to make the world safer from terrorism while countering U.S. hegemony. We'll see if this is what Spain's new prime minister has in mind. ●

Joanne Barkan is the author of *Visions of Emancipation: The Italian Workers' Movement Since 1945* and numerous articles on Italy and European social democracy.

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Arraigning Terror

Rogers M. Smith

After the September 11 attacks, the United States began a sweeping restructuring of the nation's intelligence-gathering and coercive institutions. The administration had two goals: first, to enhance information sharing and analysis among all U.S. military, intelligence, and law enforcement agencies. That task is necessary, though it poses dangers to civil liberties that the Bush administration has ignored. The second goal is to expand governmental powers to detain, prosecute, and convict persons suspected of terrorism without any meaningful procedural protections or oversight by the courts. This endeavor presents far more massive dangers, and the case for its necessity has not been made.

The Bush administration believes the United States is engaged in a wholly new kind of war in which, according to its National Security Strategy, it "must be prepared to stop rogue states and their terrorist clients before they are able to threaten or use weapons of mass destruction against the United States and our allies and friends." Knowing that this policy of preventive warfare is likely to be answered with violent assaults at home as well as abroad, the administration has began to reconstitute all basic systems for exercising coercive force: the criminal justice system, conventional military operations, immigration control, and foreign intelligence gathering and special operations. It has also distanced itself from the developing system of international criminal law, notably by refusing assent to the International Criminal Court.

So far, the administration has taken five major steps to enhance the nation's ability to detect and deter terrorist threats by restructuring these coercive systems:

(1) the passage of the USA Patriot Act on October 25, 2001;

(2) the president's executive order issued November 13, 2001, authorizing detention and military trials for non-citizens suspected of terrorism;

(3) the opening in January 11, 2002, of the Guantánamo, Cuba, naval base detention camp, where over 650 persons are still detained—the United States has declared them all to be "unlawful enemy combatants," not prisoners of war, without the individualized determinations of status required by the Third Geneva Convention of 1949;

(4) the creation of a new Department of Homeland Security on Nov 25, 2002, which has absorbed many federal programs, including the Immigration and Naturalization Service and its anti-terrorist "Special Registration Initiative" targeted at Arabic and Muslim immigrants, which led to the questioning of roughly 130,000 male immigrants and alien visitors, the deportation of some 9,000 undocumented individuals, the arrest of over 800 criminal suspects, and the detention of 11 suspected terrorists (though on April 30, 2003, the administration announced that the Initiative was ending, so far only requirements for annual re-registration have been relaxed);

(5) the creation by presidential order in May 2003 of the Terrorist Threat Integration Center (TTIC), an interagency body with participants drawn from the Department of Homeland Security, the State Department, the Defense Department, the FBI, the Department of Justice, and various intelligence bodies; it reports to the director of the Central Intelligence Agency.

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The efforts to facilitate information sharing are warranted because investigators have now shown that, had there been sufficiently effective systems for data sharing and assessment in place, the September 11 attacks probably would never have happened. U.S. agencies actually had in hand solid information that could have been used to prevent the terrorists from entering the country or staying long enough to complete their plans. A number were on the terrorist "watch lists" of one or more intelligence agencies, but the officials issuing visas did not know this. Some of the terrorists were subsequently guilty of immigration violations, and some were also involved in minor legal infractions, providing grounds for deportation. But because their likely connections to terrorism had not been communicated, they were allowed to remain. If the different pieces of knowledge had been consolidated and analyzed, the plotters might well have been stopped long before they could act.

Still, innovations in data sharing inevitably pose new threats to civil liberties. Collectively these changes dramatically transform the American state, breaking down old barriers between foreign espionage operations and domestic law enforcement; the separation of immigration law enforcement from the criminal justice system; and divisions between national, state, and local police agencies.

Both the U.S.A. Patriot Act and the Homeland Security Act undermine the wall between foreign intelligence operations and domestic criminal law enforcement that was maintained throughout the cold war. Sections 203, 507, 508, 711, and 903 of the Patriot Act authorize extensive information sharing among all agencies, whether operating at home or abroad, whether federal, state, or local. Criminal records, educational records, and immigrant histories are all included, and so are the fruits of surveillance methods that would ordinarily be deemed to violate constitutional rights if employed by federal, state, or local criminal law officers in more routine investigations. Section 502 authorizes coordinated action among these heretofore generally distinct agencies. The act authorizing the new Department of Homeland Security goes further yet by not only mandating data sharing, but also placing many intelligence-gathering and immigration law enforcement functions under this single new agency. And despite the fact that immigration law violations are not crimes, immigrant data are now being entered into the National Criminal Information Center (NCIC), even if the data have not been checked to see if they are current and accurate. Instead, on March 24, 2003, the attorney general issued an order exempting the NCIC's Central Record System from national Privacy Act standards that require those records to be "accurate, timely, and reliable." And both the Departments of Homeland Security and Justice are seeking to involve state and local police in enforcement of immigration laws for the first time, the better to root out foreign terrorists. These information-sharing mandates are being pursued through a bewildering variety of new mechanisms, but the new Terrorist Threat Integration Center is intended to serve as the main integrating institution—though how it will do so remains unclear, and inadequate data sharing remains a major problem.

MANY OF THESE changes (and more) are needed, but it is also true that the old structures of law enforcement reflected important values that are now at risk. Because the courts have long held that U.S. governmental agents of all types can take actions overseas in regard to non-citizens, which would be unconstitutional if done to U.S. citizens, and certainly unconstitutional if done within the jurisdiction of the United States, many agencies of the U.S. government are in the habit of coercing witnesses, seizing evidence, and detaining suspects without any real procedural safeguards. When agencies long accustomed to acting without regard to constitutional restrictions abroad are allowed to join more fully in law enforcement efforts at home, there is clearly a danger that constitutional protections may be ignored here as well (especially when the administration is pressing to loosen those protections on a number of fronts). Even if intelligence-gathering agencies merely make data available that could not be legally obtained by a domestic agency, the practical result may be that U.S. law enforcement is freed of constitutional restrictions.

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The increased intermingling of immigration and criminal law enforcement raises further worries. Some state and local police are concerned that as they get involved in immigration-law enforcement, they will receive less cooperation from immigrant communities, who will fear that any contact with any government agency might end in their deportation. Those fears are sustained, moreover, by the wealth of legal precedents holding that immigration officials can constitutionally take peremptory actions against non-citizens that other law enforcement officers cannot. If state and local police are simultaneously enforcing criminal laws and the more procedurally lax immigration laws, it becomes easier for them to act as though only the latter standards are binding on them. Thus, when we break down the walls between foreign and domestic enforcement efforts, and between immigration laws and criminal laws, we risk increasing the ways in which domestic criminal policing efforts may infringe constitutional rights, for citizens and non-citizens alike.

Those risks are vastly increased by the government's multi-pronged pursuit of its second goal—its efforts to detain, prosecute, and sometimes execute terrorists without regard for most of the procedural safeguards provided by the Constitution or international law. The president's order authorizing military tribunals, in particular, permits aliens suspected of knowing about or being directly involved in terrorist plots to be arrested without any showing of probable cause to a neutral magistrate and with no opportunity to communicate with an attorney. Suspects can then be detained indefinitely, or tried in closed military trials with the aid of military defense counsel, on the basis of any evidence that military officials deem to have "probative value," even if it is hearsay or illegally obtained. Accused persons can be denied the opportunity to see and hear all the evidence brought against them, convicted on a vote of two-thirds of a panel of military judges, without trial by jury, and sentenced to death without appeal to the civilian courts. The Defense Department has since added some additional procedural protections, such as the requirement that guilt be found "beyond a reasonable doubt," but the basic structure laid out in the president's original executive order still remains in effect. And even if persons are acquitted in such trials, the government can still incarcerate them indefinitely if it continues to believe they are national security risks.

Under section 412 of the Patriot Act and its general "war powers," moreover, the administration has claimed similarly broad powers to detain indefinitely *all* persons, citizens as well as aliens, who are suspected of being involved in terrorism or even of being "material witnesses" in terrorist investigations, without ever filing criminal charges against them or permitting access to an attorney. This is the way prisoners captured in Afghanistan and incarcerated at Guantánamo as "unlawful enemy combatants" are being treated.

Though the United States has justified these stringent measures as within the war powers bestowed by the Constitution, the United States has not formally declared war on terrorists, and it is hard to see how it could do so. Legally recognized wars are declared against rival states, not loose networks of organizations and individuals. As a result, the White House, Defense Department, and the Justice Department have defended their actions by using the heretofore obscure 1942 precedent of *Ex parte Quirin*. There the U.S. Supreme Court upheld secret military trials for Nazi saboteurs captured in Florida and on Long Island during the Second World War.

Though it has become common for both government officials and their critics to refer to this case as validating severe measures aimed at "enemy combatants" or "enemy aliens," those terms are not wholly accurate. *Quirin* does not focus on the powers of the U.S. government in relation to uniformed enemy combatants participating in legal international wars. It is instead the main source of the still ill-defined category of "unlawful" enemy combatants. Chief Justice Harlan Fiske Stone's opinion in *Quirin* stressed that lawful enemy combatants "are subject to capture and detention as prisoners of war by opposing military forces" according to international law. "Unlawful combatants are likewise subject to capture and detention, but in addition they are subject to trial and punishment by military tribunals for

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acts which render their belligerency unlawful." Such tribunals can, he made clear, be constitutionally conducted without the sorts of procedural safeguards, including Fifth and Sixth Amendment guarantees, ordinarily afforded to criminals, or the international law protections granted to lawful enemy combatants. And though most of the saboteurs tried in *Quirin* were enemy aliens, Stone affirmed that, if the U.S. government deems a person to be an unlawful enemy combatant, it makes no difference whether or not the person is a U.S. citizen. National security requires that such persons, too, be subjected to arrest, detention, and secret military trials if the executive branch deems such measures appropriate.

THIS PRECEDENT makes it entirely plausible for the administration to designate all those now involved in terrorism as "unlawful enemy combatants" or "belligerents." Terrorists clearly act "unlawfully," in violation of international laws of war as well as domestic and international criminal laws. But they are not conventional criminals, either in our eyes or their own—so what else can they be but "unlawful enemy combatants"? And if that is what they are, then *Quirin* also makes it plausible to argue that they can be arrested, detained, and secretly tried by military commissions without normal constitutional procedural protections, just as the Justice Department has been asserting, whether the suspects are aliens, dual nationals, naturalized citizens, birthright citizens, or anything else.

Yet plausible as those positions are, in the current context they have wide-ranging and worrisome implications. Because *everyone* even suspected of being involved in terrorism is by this definition an "unlawful enemy combatant" or "belligerent," then every investigation of possible terrorist activities can result in indefinite detentions and secret trials on the basis of any evidence that gives even minimal credibility to allegations of such involvement. Now consider what these legal powers mean in light of the new pooling of terrorist-related information among foreign and domestic security agencies; national, state, and local law enforcement bodies; and immigration officials that the United States is undertaking. The results of diverse forms of electronic surveillance, so-called "sneak and peek" searches for which warrants need not be shown in advance, questioning that occurs during indefinite detentions, and the mappings of the social networks of suspects, are all bound to produce data on the activities of citizens with whom foreign nationals or immigrants communicate, as well as on their non-American connections. When international and domestic security agencies; national, state, and local police forces; and immigration officials are all entitled to share such information rapidly, even information that has not been checked for accuracy, *everyone* risks being subjected to coercive measures that would ordinarily be deemed unconstitutional, on the basis of evidence that could not survive customary procedural safeguards.

The application of these draconian measures to American citizens has already begun, most notably in the cases of Yaser Hamdi and José Padilla. Hamdi is a twenty-two-year-old Saudi who was born in the United States and therefore also possesses American citizenship, and who was allegedly fighting on behalf of the Taliban and al-Qaeda when captured on a battlefield in Afghanistan. He claims he was a noncombatant. Hamdi has been held for more than two years without formal charges in military prisons in Virginia and was denied access to lawyers until the Supreme Court agreed to examine his detention. Similarly, for well over a year the courts refused to offer any but the most limited judicial review of the confinement imposed on José Padilla, also known as Abdullah al-Muhajir, an American citizen and long-term resident arrested at O'Hare airport. He was detained incommunicado for some months as a "material witness" to terrorist activities, and though officials then accused Padilla of being an "unlawful enemy combatant" involved in a "dirty bomb" plot, he continues to be incarcerated in a military facility in South Carolina without formal charges. Over Justice Department objections, the Supreme Court has agreed to review his case as well, indicating that not even the Rehnquist Court accepts the Bush administration's claim that these actions can be taken entirely without judicial review. Whether that review will amount to more than a rubber stamp remains to be

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seen, however. American courts have rarely done well at protecting civil liberties in the face of what they perceived as novel national security threats.

WHAT, THEN, can be done to provide procedural safeguards against abuse of the heightened information sharing that we must have? The Homeland Security Act did provide for the creation of a departmental officer for civil rights and civil liberties. In September 2003, the first such officer, Daniel F. Sutherland, published a "Strategic Plan," which was, however, little more than a promissory note; it did not specify how information sharing would be accompanied by civil liberties protections.

A variety of public and private agencies are providing more concrete suggestions. The congressionally created "Gilmore Commission," formally known as the "Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction," recommended in its fifth annual report that the president "establish an independent, bipartisan civil liberties oversight board to provide advice on any change to statutory or regulatory authority . . . that has or may have civil liberties implications (even from unintended consequences)." That seems a good idea, but it is doubtful that it could suffice. The advisory board would have no enforcement powers if its advice were ignored and civil liberties invaded.

The panel also repeated a previous recommendation for "a separate domestic intelligence agency" that would be distinct from the FBI's law enforcement activities "to avoid the impression that the U.S. is establishing a kind of 'secret police.'" The report argued that the "'sanction' authority of law enforcement agencies—the threat of prosecution and incarceration—could prevent people who have important intelligence information from coming forward and speaking freely." This proposal is more promising, because this intelligence agency would have neither arrest powers nor immigrant incarceration or deportation powers. Its separation from those activities might help ensure that persons would not be subjected to coercion on the basis of unverified rumors alone. Still, if its information continued to be pooled without adequate checks for validity, the same dangers would exist.

The Gilmore Commission suggests this new domestic intelligence agency would operate under the requirements of the Federal Intelligence Surveillance Act and the Foreign Intelligence Surveillance Court (FISC) that it creates. That court holds closed sessions and can issue secret warrants for intelligence operations. Both Harvey Rishikof, former FBI legal counsel during the Clinton administration, and Thomas F. Powers, a law professor writing in the *Weekly Standard*, have endorsed the alternative idea of a new specialized "federal security court" or "terrorism court" (possibly incorporating the FISC). It would keep anti-terrorist intelligence operations secret while also trying cases with greater procedural protections for the accused than secret military trials afford. But those protections are so far undefined; and as long as this court acted secretly and provided a virtual blank check for all types of intelligence gathering, as FISC has done, it would not be much help in protecting civil liberties.

In December 2003, the Markle Foundation, chaired by Zoë Baird, issued its own task force report, entitled "Creating a Trusted Information Network for Homeland Security." This report focused on the need to enhance information gathering and sharing capacities while also protecting civil liberties and privacy. It argued that the new Terrorist Threat Integration Center must provide "appropriate institutional mechanisms" to achieve these ends. Though these mechanisms remained vague, the Markle task force did recommend the development of standards restricting the purposes to which data could be put, especially unchecked rumors; defining how long such data could be retained; providing for means of data authentication; and establishing regulations governing access to these data. It urged the president to issue an executive order providing such guidelines. While recognizing that "increased information sharing among law enforcement and intelligence entities is critical to the counterterrorism mission," the report expressed great concern that as 2004 began, "no clear government-wide direction has been es-

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tablished for appropriate handling of domestic information while protecting civil liberties."

So far, the administration has not responded to these suggestions or provided any such direction. It has only repeatedly disparaged one further alternative for protecting civil liberties—an option that has, however, never been truly discredited: the existing judicial system.

Though greater information sharing is surely required, why can't we, once we begin sharing data efficiently, combat terrorism while relying on domestic and international criminal justice systems? True, terrorists are not conventional criminals, but they are criminals nonetheless. The administration insists that it is too dangerous to delay detentions and prosecutions of terrorists until law enforcement agencies can constitutionally obtain sufficient evidence of criminal conspiracy to meet "probable cause" standards for arrest and "reasonable doubt" standards for conviction. The Justice Department also contends that covert intelligence operations would be seriously hindered if accused terrorists could see the evidence and witnesses against them. And Bush officials simply distrust international criminal justice institutions, believing that they will be used for political purposes against the United States.

But again, reports by congressional investigators and private news agencies indicate that the real problems preceding the September 11 attacks were not that we used only the criminal justice system to prosecute terrorists, nor that we did not have sufficient intelligence to identify likely terrorists. The main problems were failure to share and analyze data that we had. We also have ample precedents for conducting at least partly closed criminal trials, with the identities of undercover informants and the details of intelligence operations revealed to judges, but not to the defense attorneys and the accused, when necessary to protect ongoing investigations. Are those procedures too risky at present? There is no clear evidence to that effect, only speculation. And when we are undertaking capital cases, the burden of proof must fall on those arguing for abandoning the constitutional rights that have historically been the most effective, albeit still imperfect, bulwarks of American justice. There is no clear need to suspend those rights—and data sharing itself, with the rights in force, does not increase dangers to civil liberties nearly so much. Nor does the United States have the kind of negative experience with international criminal proceedings that justifies forgoing all efforts to see if they can work.

But if the United States continues to insist that ordinary criminal justice proceedings are inadequate to combat terrorism, and if it continues to restructure myriad institutions to promote information sharing and coordinated coercion, then the government cannot in good conscience ignore the need to make sure that civil liberties are protected in this brave new world of anti-terrorism. If the United States does not establish such safeguards, then many American citizens may increasingly come to feel that they are losing precious freedoms at home, even as Americans and innocent foreign civilians continue to lose their lives in wars that seek to establish freedom abroad. ●

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Politicized Science

Dylan Otto Krider

Physicist Richard Feynman once said, "Science is a way of trying not to fool yourself." The "way" involves minimizing bias through a peer-review process and performing experiments that rely on personal perceptions as little as possible when gathering data. Today, a growing chorus of researchers charges that these procedures are being undermined. In January, eleven scientists who study work-related injuries boycotted the federal government's two-day symposium on workplace ailments to protest the Bush administration's tendency to distort science for political ends. They're not alone: a number of employees with long histories at government agencies have resigned, citing an inability to do their jobs because of what they see as the squelching of research for political reasons.

A recent report from the office of Representative Henry A. Waxman (D-Calif.) entitled "Politics and Science in the Bush Administration" attempts to catalogue these rifts between the White House and the scientific community. The administration dismissed the report as full of "inaccuracies, distortions, and omissions," but what at first appeared to editors at the magazine *Discover* to be "another broadside" from the partisan liberal from Los Angeles struck such a chord among scientists that it earned the number five slot among the magazine's top hundred science stories of the year. In February, the Union of Concerned Scientists issued its own report echoing Waxman's charges.

Take the example of Joel Brind, the primary advocate for an abortion-breast cancer link (or ABC as he calls it). His own account of this "discovery" emphasizes his conversion to Christianity rather than any hard scientific data: "With a new belief in a meaningful universe, I felt compelled to use science for its noblest, life-saving purpose," he told *Physician* magazine (July/August 2000). He describes how the "pieces came together": "By 1991, I realized that my understanding of life was incompatible with a pro-abortion point of view." After "making contact" with a local right-to-life group concerning RU-486 (the "morning after pill"), he began to formulate his theory.

Despite a few publications by Brind in scientific journals, the ABC link was widely discounted after the publication of "Induced Abortion and the Risk of Breast Cancer" in the *New England Journal of Medicine* (Jan. 9, 1997) that used a much larger sample than Brind's and relied on actual medical records to correct for the possibility that women might not voluntarily report their abortions. This and later studies led the national director of medical and scientific communication for the American Cancer Society, Joan Schellenbach, to conclude, "The scientific evidence does not support the association between induced abortion and breast cancer . . . we would advise women considering abortion that they should not be concerned with an added risk of breast cancer."

This did not prevent the federal National Cancer Institute in November 2002 from removing a post on its Web site that discounted the link and replacing it with the following:

> [T]he possible relationship between abortion and breast cancer has been examined in over thirty published studies since 1957. Some studies have reported statistically significant evidence of an increased risk of breast cancer in women who have had abortions, while others have merely suggested an increased risk. Other studies have found no increase in risk among women who have had an interrupted pregnancy.

After an outcry by members of Congress,

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the NCI convened a three-day conference with experts on abortion and breast cancer to review the evidence, and again concluded that "[i]nduced abortion is not associated with an increase in breast cancer risk," expressing confidence in those conclusions as "well-established."[1]

This is not an isolated incident. The U.S. Agency for International Development and the federal Centers for Disease Control and Prevention (CDC) removed information about the effectiveness of condoms in preventing disease from their fact sheets. The *New York Times* (June 19, 2003) reported that a section on global warming was removed after objections came, not from scientists, but from advisers to the president. Among the offending materials was a report the administration had commissioned from the National Academy of Sciences; it was replaced by a study funded by the American Petroleum Institute.

One way the administration has directed research, critics say, is through the selection of industry connected or religiously driven political appointees. In one case, the Department of Health and Human Services nominated W. David Hager as chair of the Federal Drug Administration's Reproductive Health Drug Advisory Committee. Hager is an anti-abortion activist who recommends, among other things, that women read the Bible to relieve premenstrual cramps.[2] New members were also nominated to the CDC's Childhood Lead Poisoning Prevention committee as it was determining the acceptable level of exposure to lead. Nominees included Joyce Tsuji, who worked for Exponent, a consulting firm that represents a major smelter, and pediatric toxicologist William Banner, who had previously provided written testimony on behalf of lead-industry defendants. The reshuffling did not escape the notice of former CDC chair Susan Cummins, who expressed concern in *Science* magazine (Oct. 25, 2002) that these scientists were "placed on this committee to represent the interests of their clients." In yet another example, David Rempel, a bioengineer from the University of California, described the National Advisory Committee on Ergonomics as "selected because of their opposition to the ergonomic standard."

This emphasis on a conservative Christian worldview over scientific consensus has been felt all the way down to the National Park Service, where bookstores have begun offering books with the "alternative view" that the Grand Canyon was formed in six days several thousand years ago. According to the *New York Times* (Jan. 18, 2004), "a senior political appointee at the Park Service has influenced the resolution of the dispute, fueling at least the impression that political considerations could have played a part in the decision."

Scientific backing gives one's position credibility, so the temptation to skew unfavorable results is nothing new, but there is no shortage of people who insist the situation is as bad as it's ever been. In a letter to the *New York Times* (June 21, 2003), former Environmental Protection Agency administrator Russell Train, who worked for both Richard Nixon and Gerald Ford, said, "I can state categorically that there never was such White House intrusion into the business of EPA during my tenure . . .The EPA was established as an independent agency in the executive branch, and so it should remain. There appears today to be steady erosion in its independent status."

It's not always easy to pin down where the pressure is coming from. As *Slate.com* pointed out (April 22, 2002), the ousting of Robert Watson as head of the United Nations' Intergovernmental Panel on Climate Change shortly after a fax from ExxonMobil called for his removal may not have been cause and effect. (The atmospheric scientist was replaced by Rajendra Pachauri, whose background is in engineering and economics.) But few doubt that the administration's reasons for wanting him gone were similar to Exxon's. Other examples of intimidation can be traced outside the White House to conservative members of Congress who were accused of compiling a list of 180 scientists involved in research dealing with teen sex, prostitutes, and homosexuals to be handed over to Christian activists to do with what they will.

Perhaps the best example of the various interests at play in modern research is the case of James Zahn. The United States Department of Agriculture had been performing research

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into ways to decrease the odor of swine farms through diet, a proposition some believe was doomed from the start because of the scientific principle that "you feed a pig roses, and it still comes out smelling like shit." It wasn't until Zahn's research developed real world applications that the USDA became concerned. The problem was that Zahn's technique for detecting air contaminants also showed that hog confinements regularly violated federal pollution limits and produced antibiotic-resistant bacteria.

When Kendall Thu invited Zahn to present his findings at the National Hog Summit, a member of the National Pork Producer's Council contacted Zahn's boss, Brian Kerr, who forbade Zahn to speak to the group or even submit his work to scientific journals.

At the summit, Thu delivered an impassioned speech condemning the USDA's actions, calling them "little more than thinly veiled censorship, denying access to publicly funded research whose published works are centrally relevant for current public policy debates. . .

"I would like to say that Dr. Zahn's situation is an anomaly," he continued. "Unfortunately, the only difference with Dr. Zahn's case . . . is the extent to which it is overtly 'brash censorship.'"

The reasoning behind the USDA's burying of Zahn's research was that Zahn had ignored a list of controversial topics requiring prior approval. Not surprisingly, most of the "sensitive" subjects related to the pollution of air, water, or soil. It didn't help that the USDA had instituted an "advisory panel" of hog farmers to oversee his work.

Linking the administration to this episode, as Waxman attempts to do, is not easy. Zahn, who has since resigned and was replaced by a scientist with a background in industry, claims his research was encouraged prior to the Bush administration. What seems clear, however, is that science is operating in an environment where such intimidation is commonplace, and all the recent moves by the White House appear designed to make it easier for politicians and industry to exert this kind of pressure in the future. The White House has gone so far as to propose changes that would not only grant the administration authority to decide when to issue scientific findings to the public, but would allow it to manage peer reviews of "all major government rules, plans, proposed regulations and pronouncements."[3]

A GROUP OF TWENTY former top agency officials has already sent a letter to the Office of Management and Budget protesting the changes. One of the signers, David Michaels, former assistant secretary for environment, safety and health at the Department of Energy, said, "It goes beyond just having the White House involved in picking industry favorites to evaluate government science. Under this proposal, the carefully crafted process used by the government to notify the public of an imminent danger is going to first have to be signed off by someone weighing the political hazards." Such a proposal could be a major step toward placing the direction and dissemination of scientific research firmly under the control the White House press office.

Traditionally, it's been seen as scientists' role to determine, say, the effectiveness of condoms or how much humans contribute to climate change; it was then left to politicians to decide how to deal with those findings. That's no longer the case. Rather than gathering evidence, conservative ideologues have begun emphasizing the virtue of relying on one's gut convictions first and then looking for the evidence to back them up. They don't need a scientific study to know that global warming is a myth, the Earth was created in seven days, and Saddam Hussein was only moments away from handing weapons of mass destruction over to al-Qaeda. If the data show otherwise, then departments have to re-organize so they get it right. It could be argued that this disdain for the scientific process *on principle* is the Achilles' heel of the conservative movement, crippling its decision-making abilities not only in areas of health and safety, but also in the "War on Terror."

This can be seen in a column by David Brooks (*New York Times*, Feb. 3, 2004) that argues for doing away with "scientism" in intelligence gathering. "For decades, the U.S. intelligence community has propagated the myth that it possesses analytical methods that must be insulated pristinely from the hurly-burly

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world of politics," he says. "What kind of scientific framework can explain the rage for suicide bombings, now sweeping the Middle East?" "When it comes to understanding the world's thugs and menaces, I'd trust the first 40 names in James Carville's P.D.A. faster than I'd trust a conference-load of game theorists or risk-assessment officers. I'd trust politicians, who, whatever their faults, have finely tuned antennae for the flow of events. I'd trust Mafia bosses, studio heads, and anybody who has read a Dostoyevsky novel during the past five years."

The problem with pre-war intelligence, Brooks insists, was that there weren't enough politicians looking over the analysts' shoulders. It's hard to question his sincerity. But we should remember that those bureaucratic scientists and analysts, for all their faults, came a hell of a lot closer to determining the actual situation in Iraq than the ideologues who were meddling in information gathering as never before. Pundits who say otherwise, as Feynman warns, are just fooling themselves. ●

Dylan Otto Krider's work has appeared in *Kenyon Review*, the *Houston Chronicle*, the *Tucson Citizen*, and other publications.

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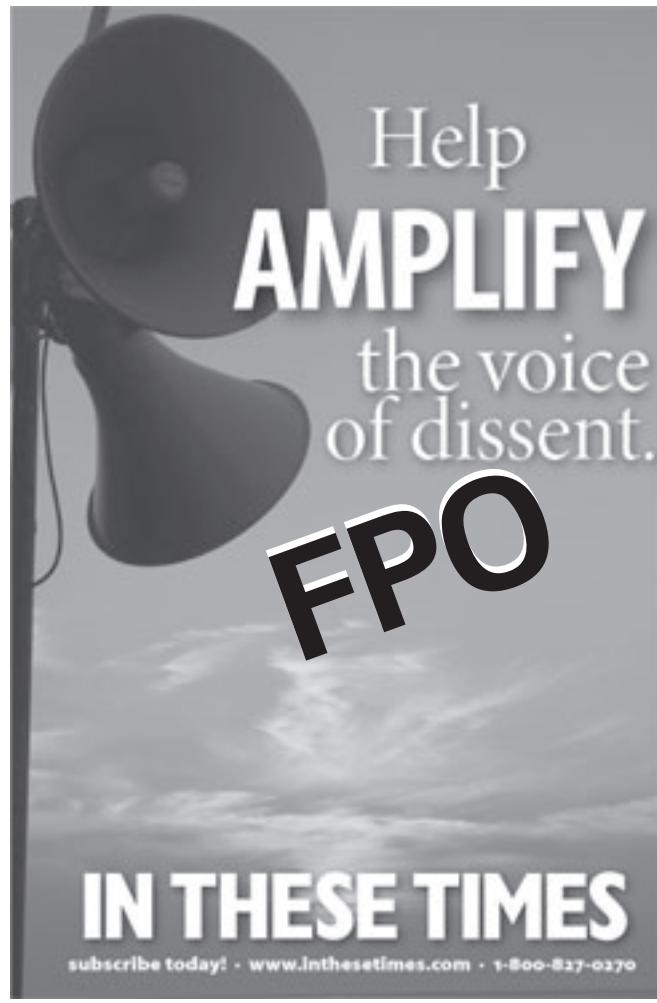
2. Hager, David W. and Linda Carruth, *Stress and the Woman's Body* (1996) as cited in "Jesus and the FDA," *Time*, Oct. 5, 2002.

3. "White House Seeks Control of Health, Safety," *St. Louis Post-Dispatch*, January 11, 2004.



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It's the ~~Economy~~ Environment, Stupid

David I. Leavitt

Most strategists agree that it will be easier for Democrats to fight George W. Bush on domestic issues than to dwell on his post–September 11 national security policies. One obvious, but as yet untapped, Bush administration vulnerability is environmental policy. Polls show that voters side strongly with Democrats on environmental issues, and because Bush has a clear record of relaxing environmental standards, it should be possible to expose his shortcomings in this area.

A recent Gallup poll found that 75 percent of likely voters support stronger environmental regulation. But that hardly matters if Democrats do not make the president's record as a poor environmental steward a key issue during the 2004 campaign. The Democrats must take that opposition and turn it into votes.

In an AP/Ipsos poll, only 3 percent of respondents list the environment as one of the most important problems facing the United States. This poll reveals a disconnect: Americans disagree with Bush's environmental policies but don't care enough to base their presidential votes on the disagreement. In order to be heard, activists will have to reframe environmental issues and link them to issues that *do* rank high in the public's mind—the economy and health care. If Democrats can demonstrate the concrete and actual link between the environment and these two, they can greatly strengthen their case against Bush.

Bill Clinton's 1992 presidential campaign staff made famous the idea of focusing on "the economy, stupid!" But the truth is that almost every national campaign centers on money in some way—taxes, economic growth, the stock market, unemployment, and the cost of living. Voters see those issue areas as related. Democrats can win support for their environmental positions by employing two of Bush's successful tactics: linking his pet issues to the economy—as he has done in his controversial push for oil drilling in an Alaska wildlife refuge—and framing issues in clear and simple alternatives. This won't mean abandoning the environment as a campaign theme, but it will mean framing it differently. Voters care about, and will vote for, more money in their pockets, jobs, better health for their children, and removal of dangers to everyone's health. Let's examine four environmental issues that show how this reframing can be done.

Alaska Wildlife

In this case, it was Bush who successfully reframed the issue—and so there is a lesson here. From the beginning of his presidency, Bush has pushed hard to open Alaska's Arctic National Wildlife Refuge (ANWR) to oil drilling. But his most effective argument for this policy was not that more domestic production would wean the nation away from Middle Eastern oil (such a strategy would only invite debate from economists over the value of sustaining the nation's oil addiction). Rather, his most effective argument was jobs. Citing an American Petroleum Institute study, Bush claimed that ANWR drilling would lead to the creation of as many as 750,000 jobs. Smartly, he followed this up by making sure that the ANWR section of his energy package contained a provision requiring energy developers to negotiate labor deals that would guarantee union jobs.

Because Democrats—led by John Kerry, who repeatedly promised to filibuster the proposal if it ever made it to the Senate floor—oppose ANWR drilling, Bush forced party leaders to take a position that, on the surface, seemed to be in opposition to job creation. As

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a result, Bush won support from the International Brotherhood of Teamsters. And the Teamsters union, which endorsed Al Gore in 2000, began placing radio ads to promote Bush's plan for ANWR. On the defensive, environmentalists tried to fight back by citing other studies. One, by the Economic Policy Institute, predicted only 55,000 new jobs. Another, by the Tellus Institute, found that improved vehicle fuel efficiency could create ten times as many jobs as drilling in ANWR. These studies provided good arguments for environmentalists, but by framing the issue as one of economics and jobs, Bush took away the chance for a debate on the environmental consequences of the drilling proposal.

Building on his economic argument for ANWR drilling, Bush has made his annual budget numbers look slightly more fiscally responsible by including revenue that the government would collect from ANWR royalties if the drilling were allowed. Bush's budget projections for fiscal year 2006 include $2.4 billion in proceeds from oil lease sales in ANWR. So Democrats can either go along with the administration's plans for the Alaska refuge or put the country $2.4 billion deeper in debt. Bush is wrong on the substantive issues here, but as a strategist he has been quicker and smarter than the Democrats.

Arsenic

It is not a fluke that the greatest success of environmentalists against Bush came in a battle over drinking water standards very early in his administration. They framed the debate first, and they framed it as a clear public health issue. The fight over arsenic in drinking water proved that Americans do care about federal environmental policy. Strangely, it was one of the few battles that environmentalists would win with Bush over the next three years

Hours after assuming office on January 20, 2001, Bush placed a hold on Bill Clinton's plan to impose stricter standards for arsenic levels in drinking water. Under Clinton, the U.S. Environmental Protection Agency had lowered the allowable level of arsenic from 50 parts per billion to 10 ppb, effective 2006. Immediately, environmentalists made a fuss, and this issue was easy for the public to grasp: did it want stricter regulations for clean water? Being first to frame the debate was very important. Bush had placed his regulatory hold very quietly, hoping that it wouldn't be noticed, so the first thing most Americans heard on this topic came from environmentalists. Once the White House tried to re-frame the debate, it was too late. The administration argued that the new guidelines would require expensive upgrades for small water systems, but the public was not convinced.

This was a particularly winnable issue for environmentalists because Bush's putative search for "sound science" did not turn up arguments in his favor. The National Academy of Sciences released a report showing the cancer risks of arsenic in drinking water to be much higher than even the Clinton administration estimated. The report said arsenic could pose a health risk when its concentration in drinking water exceeds 3 ppb. And other countries, including the European Union's fifteen member nations, already used the 10 ppb standard.

While the Bush team put the Clinton-era arsenic standards on hold, Senate Democrats seized the chance to be on the right side of a popular issue and began discussing ways to force implementation of the regulations through new legislation or use of the Congressional Review Act. Eventually both the House and Senate approved separate bills to require the EPA to impose the stricter standards immediately. Just as lawmakers were moving to approve a final bill, the Bush administration agreed to adopt the Clinton standard. In an interview on ABC's *20-20* during his first summer as president, Bush defended his team's actions by saying that they had "pulled back a rushed piece of regulation to look at it, to make sure the science was sound, and therefore we got labeled for being for arsenic in water." Score one for the environmentalists.

Clean Air

In fighting Bush's overhaul of the Clean Air Act New Source Review (NSR) permit and enforcement program, environmentalists should follow the arsenic blueprint. NSR is an environmental issue, but it is also an issue of public health, and that connection has to be made

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more apparent to voters. It's an easy case to make—many independent studies have associated excessive levels of air pollution with rising asthma rates and other respiratory illnesses in children. And Bush's actions on NSR clearly allow the nation's most polluting power plants to avoid federal clean air standards.

Short of scrapping the Clean Air Act—which would require congressional approval—the Bush team has done what it can to weaken the law by changing official interpretations of its meaning. In August 2003, the U.S. EPA put the final stamp on a regulatory plan for the NSR program. The Bush administration had been working on this "reform" for over two years.

Clean air is simple, but NSR isn't, and environmentalists have had trouble explaining its intricacies. (For that matter, journalists have trouble writing news reports on this subject.) Essentially, the "grandfather clause" allows polluting power plants built before the Clean Air Act became law to remain out of compliance. But when owners of the older plants decide to update the generating units—or undertake what Title 1 of the Clean Air Act calls "modification"—the law requires them to install state-of-the-art pollution control devices. Under President Clinton, the EPA began to investigate power plants and oil refineries that had modernized their facilities. Clinton's people interpreted modernization as involving the kind of "modification" that should trigger compliance with stricter clean air regulations.

However, under Bush's redefinition of the term "modification," a power plant may modernize its facilities by spending up to 20 percent of the replacement cost of a plant before triggering the NSR provision. This redefinition now allows companies to spend millions of dollars modernizing their polluting power plants without having to refit them with existing anti-pollution devices, as the Clinton administration's interpretation of the Clean Air Act would require.

The EPA completed its NSR "reforms" just as federal courts were taking up the lawsuits brought by the Clinton administration against some of the nation's largest utility companies for violating the NSR permit program. When Bush made his case for NSR changes, his administration had argued that the administration would continue to press ahead with the Clinton-era cases. But in November 2003, the EPA decided not to pursue additional NSR enforcement cases unless an industrial facility was believed to have violated the program under the Bush administration's new interpretation of the law.

In February, a former EPA official who played a key role in NSR enforcement testified before Congress that Bush's NSR changes have frozen pending investigations. Bruce Buckheit, who stepped down in December as director of EPA's air enforcement division, said the freeze has led to the sealing of cases referred to the Justice Department and undermined ongoing settlement negotiations. Buckheit said that NSR settlement discussions with utilities had been proceeding in several of the Clinton-era cases until Vice President Dick Cheney initiated major regulatory changes to the program in the National Energy Policy Development Group report released in May 2001. (This was the recommendation of the now-famous energy task force, which held controversial closed-door meetings.) In this case, Bush defined the issue first: helping the economy.

Clearly, Bush's NSR policy is having a huge effect on air pollution regulation. Environmentalists have not been able to call attention to this fact. They should be focusing on health: How much would it reduce medical costs if hospitals did not have to deal with so many respiratory illnesses? How many fewer children might have asthma if Bush had not intervened in this matter? Why should the Clean Air Act favor industry profits at the expense of our health? The National Academy of Sciences is in the process of conducting a two-year study on NSR's health effects. Although a final report is not due until 2005, NAS will release an interim report in September, just two months before the general election. Democrats could not ask for a better news peg.

Superfund

Throughout Bush's presidency, environmentalists have called on his administration to reinstate a tax on oil and chemical companies to fund the Superfund program, which pays for

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the environmental cleanups of the most polluted industrial sites across the country. On the face of it, this seems to be an environmental issue. And it is. But there is also a strong economic angle here: Bush administration policies have resulted in a higher tax burden for working-class Americans and lower taxes for polluting corporations.

The funds have financed the cleanup of abandoned "orphan sites," where the government cannot identify a responsible party. Corporate taxes that pay for Superfund cleanups—excise levies on oil and chemical companies and a corporate environmental income tax—expired in 1995. The trust fund generated by the taxes reached $3.8 billion in 1996 but has fallen to a projected $36 million this year. Ronald Reagan and George Bush the Elder reauthorized the taxes. Although Clinton proposed reinstating the tax when he was president, Congress has refused to reauthorize it since 1995. Bush's solution has been to let the Superfund program use money from the general treasury. As a result, the money comes from all taxpaying Americans rather than from polluting companies. Superfund spending has been between $1.3 billion and $1.7 billion annually over the past six years.

Here is a chance for environmentalists to demonstrate that Bush prefers to tax ordinary Americans rather than big corporations. Environmentalists should use Superfund to show voters that Bush favors *higher* taxes for average citizens. The issue would have staying power if Democrats were to treat Superfund as a money issue and not only as an environmental issue.

Looking Ahead

The examples discussed here are just a small sampling from the long list of Bush's anti-environmental policies. Clearly, environmentalists have many more complaints with the Bush administration. And in framing the general election debate, Democrats have no shortage of options. But they will be most effective if they keep the campaign simple. Concentrating on a few key issues such as NSR and Superfund can make it easier for Americans to understand the importance of environmental issues and their connection to the economy and public health. In fact, Democrats might have a lot to lose by carelessly attacking some of Bush's other controversial moves such as the Healthy Forests Initiative, which has significant support in several key western states. The only people alienated by attacks on NSR and Superfund are the owners of large power plants and oil and chemical companies, who are not going to vote Democratic anyway.

Finally, Democrats should focus on the benefits their policies can bring rather than on a "gloom-and-doom" critique of Bush. As Reagan showed with his "Morning in America" vision, a positive message—however hollow—is often what voters like to hear. And in this case, the message isn't hollow; environmentalists have the facts on their side. Reinstating the Superfund tax not only would help fill government coffers and clean up polluted sites, but it would also lower the tax burden of average Americans. Cleaner air means fewer children with asthma. Democrats need to turn the tables on Bush. Clearly, his policies stand in the way of a clean environment; they also stand in the way of what Americans care about most: better health care and a stronger economy. ●

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Cell Phones, Surveillance, and the State

Monitoring Daily Life

David J. Phillips

Every day, we are identified, monitored, and tracked. Supermarket loyalty cards record our purchases, online data collectors record our mouse clicks, airlines record our travels. These records of our activities are analyzed to create statistical knowledge, and that knowledge is used to construct the world we live in and our place in that world. New brands are created in response to newly discovered market trends. Ad campaigns are designed with a specific demographic in mind, and the ads are delivered only to those individuals who fit the demographic. "Normal" travel patterns are discovered, and deviants from that normalcy are subjected to greater scrutiny at the airport. These practices raise issues of personal privacy, in that they make each individual's actions visible. They also raise issues of discrimination because the practices are primarily about the creation and differential treatment of social groups. More important, though, they are issues of knowledge and power. Who, in our society, has information about others, about the world, and how do they use that knowledge?

Some argue that increased surveillance is the inevitable result of galloping strides in computing and communication technologies and that we, as individuals and as a society, have only the power to succumb. As Scott McNeally, CEO of Sun Microsystems, famously said, "You have zero privacy now—get over it." But this view glosses over the point: systems of surveillance, like all technologies, are created by human actors, operating with specific goals, with specific resources, and in specific historical contexts. We can consider one salient example: the systems that today make it possible to locate and track mobile phone users. We can see where it came from, what actions brought it about, by whom and in what historical conditions. We can show how the resulting infrastructure mediates social power, and how activists can intervene in the process.

Today the United States has at least 130 million cell phone users. All are subject to increasingly precise tracking. The infrastructure that supports such tracking has evolved rapidly through a series of technical, legal, and political mutations, all stemming from the choices of highly interested actors. The resulting configuration of laws, networks, and corporate interests determines who is able to use the phone system to gather information about the mobility, not only of individuals, but of the population as a whole.

It is worth taking a hard look at how those choices were made, and who gained and who lost from them.

It has always been technically necessary to locate mobile phones. The phone company has to know where you are in order to route calls to you. Whenever your cell phone is on, it's emitting little "I am here" signals. The nearest cell tower picks up these signals and informs the network where to send incoming calls. At this stage, though, the locational information is rather vague. It only locates you as being somewhere in the range of a particular tower—perhaps an area of several square miles.

At first, only the phone company had access to that locational information. But in 1994, Congress passed the Communications Assistance for Law Enforcement Act (CALEA), requiring phone companies to share the locational information, in real time, with

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police agencies, upon subpoena or court order. This is one way that surveillance infrastructures grow—once one organization has information for a particular purpose, other organizations try to get access to that information for their own purposes. This pattern by which systems developed for one purpose by one set of players subsequently become platforms for quite different interests—a process known as "function creep"—has wrought stunning changes over the past ten years.

CALEA requires phone companies to deliver location only as precisely as they have on hand, that is, to the nearest cell tower. But other federal action has instigated a massive overhaul of the mobile phone locational system to make the information it produces extremely precise and instantly available. In the 1990s, the FCC and Congress together mandated that the mobile phone system become fully integrated with the 9-1-1 system. These mandates have been the driving force in a huge reconfiguration and extension of surveillance capacity. To understand the shape of that reconfiguration, it's necessary to know a bit about how the 9-1-1 system works.

Originally, 9-1-1 was a dedicated number and a specialized routing system delivering emergency calls directly to an emergency operator. When you dialed 9-1-1, the phone system recognized it as an emergency call and automatically routed your call to that operator, who then routed the call to a police or fire department. This system was later upgraded to include the equivalent of caller-ID, so the operator would automatically receive the caller's number along with the voice call. The operator could then look up that number in a database to find the service address of that phone and so direct the emergency services to the correct location. This system of Automatic Number Identification/Automatic Location Identification (ANI/ALI) became standard throughout North America in the early 1990s. It was developed when wired local service, operated by former Bell monopolies, was overwhelmingly the norm, and it was operated by those local companies as part of their public service responsibility.

No sooner had the ANI/ALI system become firmly entrenched than several factors made it unworkable. First, there was the advent of competition in local telephone service. Now, not only the local Bell monopoly, but all of the newly competing local phone companies had to update the ANI/ALI database with information from their service records. Because that database was operated by their main competitor—the local Bell company—new phone companies were understandably hesitant to provide it with the addresses of all their clients. In many cases, local regulators resolved this conflict by contracting out the management of the ANI/ALI database to independent third parties. Thus a new set of players and new infrastructures joined the picture—profit-making organizations, separate from the phone companies but intimately connected with them, whose primary business was to collect and distribute locational information.

The increased popularity of mobile telephones also complicated the 9-1-1 system. Operators who received emergency calls from cell phones had no idea where to send the responders. As a result, the FCC and Congress mandated that mobile phone operators find a way to determine the latitude and longitude of emergency calls to within about 125 meters, and to deliver that information, along with the voice call itself, to the appropriate emergency operator.

Complying with this mandate has not been simple. First, no one really knew how to locate a cell phone call that precisely. Eventually, mobile phone companies contracted with third-party location services to pinpoint those calls. So another part of the infrastructure developed—businesses whose primary purpose is to locate phone calls. Again, these businesses are separate from, but intimately connected with, the phone companies.

Wireless 9-1-1 use has also triggered far-reaching changes in ANI/ALI. That database had been relatively static—it needed to be updated only when a new phone was installed or an existing phone removed. With mobile phones, the database needed to become dynamic—updated at the time of the emergency call in order to reflect the caller's current position. The quality of the data had to change, too. Addresses were no

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longer considered adequate; instead, the database had to include the caller's latitude and longitude. It also had to be linked to routing software that determined which local emergency operator should field a call from a particular latitude and longitude.

Taken together, changes invisible to ordinary citizens have moved us into a world where all mobile phone users are potentially subject to precise monitoring. Specialized location systems pinpoint calls. Specialized database systems collect and distribute that data. Specialized routing systems determine where to send calls from particular locations. Specialized decision software determines how to respond to calls. All of these systems are designed to be adaptable as emergency calls start coming from handheld computers rather than cell phones, or as calls arrive through the Internet rather than through the telephone network. They are designed to be able to link to various databases and distribute that information (medical histories, for example) along with the emergency call.

For the most part, these systems are operated by private companies. Yet they have been developed with public money. The FCC, in mandating these upgrades, also permitted phone companies to assess surcharges to pay for them. Everyone with phone service pays for the 9-1-1 service. In effect, then, what has developed in the United States in the past decade is a publicly funded, privately operated, generic, adaptable, and pervasive surveillance infrastructure.

By this point, all sorts of new players have emerged. Private ownership and the profit motive create pressures to extend these capabilities to other than emergency service. For example, wireless carriers are exploring the possibilities of linking data generated by the systems described above on phone users' location and movements to commercially developed marketing data on users' social characteristics and purchasing patterns. Think of the possibilities: when certain trigger conditions are met—when the right sort of person appears in the right sort of region at the right sort of time—the carrier could deliver an advertiser's message to the user. Nearing a Pizza Hut, one could find one's cell phone ringing with a recorded ad suggesting that a snack is waiting at the next fork in the road. If this sounds like the stuff of science fiction, consider this statement from the developer of a location-based marketing service:

> Think of [our service] as a local market, a one-mile circle of energy around a potential customer, which moves with him or her, providing local information that fits individual needs. This information is dynamic and controlled by the merchants, communities and establishments in that radius. ("Going Local," *Adweek*, 2003)

Thus what began as a series of technological and managerial changes in the name of efficiency has mutated into the possibility of commercializing an entire medium.

COMMERCIAL INTERESTS are not alone in their desire to exploit these new possibilities. Police and national security agencies increasingly seek to use the vast amounts of locational data generated by emergency calls, not simply to respond to particular callers, but to trace patterns of normal and aberrant behavior. For example, some regional call centers share the locational data from medical emergency calls with third parties. Those third parties then analyze that locational data to look for patterns suggesting an epidemic or bioterrorism. This is another type of function creep—a system initially intended to respond to individual emergencies has become used in wholesale surveillance.

This drift is hardly accidental or unguided. Various laws affect the way that the surveillance infrastructure is used. According to those laws, there is no opt-out from location during 9-1-1 calls. Every emergency call must be automatically located, but the location information generated in such calls can only be used to provide emergency services. Further, locational data generated during non-emergency phone calls can be used for purposes other than call delivery only with the caller's express prior consent. Yet even those relatively stringent protections permit the uses of the infrastructure to migrate.

First, although phone companies can only use locational information with the user's consent, the FCC has declined to rule, and no

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court has decided, exactly what constitutes "express prior consent," or, for that matter, what constitutes "locational information." Some carriers have asserted that the location of the cell tower handling the call is not "locational information." These practices are likely to be adjudicated in the courts, which have previously held for very lax definitions of "consent."

Second, although emergency call data can only be used in order to respond to emergencies, it is unclear what constitutes an emergency or who decides that an emergency exists. As mentioned above, emergency calls are being monitored and analyzed for signs of bioterrorism. The operators of emergency response organizations thus have accepted that pattern analysis fits the definition of "emergency services." Such developments become truly frightening when we consider, first, that local emergency response is becoming more and more centralized under the auspices of the Department of Homeland Security and second, that the federal administration considers the nation to be constantly in a state of emergency, devoting huge administrative and monetary resources to pre-emptive identification of suspicious persons or conditions.

For example, initiatives such as Total Information Awareness (TIA) (now strategically renamed "Terrorism Information Awareness") and the Computer Aided Passenger Profiling System (CAPPS) are intended to churn huge amounts of personal data in order to find patterns of normalcy and deviance. After those patterns are established, they are used to profile individuals and assign them a certain risk level. JetBlue Airlines recently transferred to a Department of Defense contractor over a million passenger travel records, which the contractor then merged with other public and private databases records and subjected to statistical analysis. Particular individuals, though unnamed, were isolated as exemplifying specific levels of threat. All of this was, apparently, perfectly legal, except that it was in violation of JetBlue's published privacy policy. So the formal complaints against JetBlue to the Federal Trade Commission charge deceptive advertising, rather than privacy violations.

TIA and CAPPS do not use the 9-1-1 infrastructure; they do not yet even use locational data as such. However, the administration has indicated its willingness to press privacy laws to their limits in this effort, and those limits are expansive. Locational information is subject to stricter privacy regulations than airline travel data, but those regulations can be changed and reinterpreted. Imagine what a resourceful and determined authoritarian regime could do with such data!

Pattern-analysis applications such as TIA, CAPPS, and bioterrorism alerts aren't actually interested in any particular individual. They are intended only to establish norms and patterns across the population against which particular individuals or situations can later be compared. But, of course, locational records also provide a huge resource in constructing dossiers and histories of individuals. During normal operations, the mobile phone system generates and records locational information for billing and maintenance purposes. Currently, these records are generally accurate only to the location of the cell tower handling each call. But as more services are offered, more numerous and more precise locational databases will proliferate. The information in them will be available to police agencies. Complex legal standards apply to the level of review and judicial oversight necessary before police can obtain the warrants, subpoenas, or court orders required to compel disclosure of these records. Arcane though those regulations are, there is an unmistakable trend toward lowering barriers to police access.

No development more dramatically illustrates this trend than the USA Patriot Act of 2001. This act relaxed standards promulgated under the earlier Electronic Communications Privacy Act. Specifically, it permitted Internet service providers (ISPs) "voluntarily" to disclose customer records to government agents if the ISP believes a crime is being committed. It also required police only to assert that the records are "relevant and material to an ongoing criminal investigation" before obtaining a court order requiring disclosure by the ISP. Moreover, if the police believe that they may, eventually, want to subpoena an ISP's records, they can order the ISP to maintain records of customer transactions

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for up to three months, while they convince a court to issue the subpoena.

These provisions apply only to ISPs, not to telecommunications carriers. Nevertheless, they are ominous for two reasons. First, locational information initially generated by a wireless telecommunication provider may be disclosed to a series of third-party information service providers. This would certainly be the case if the user subscribed to location-based services offering, for example, maps, directions, and local guides. Once data have been "voluntarily" released to the ISP, they are subject to less stringent control.

Second, laws and regulations governing police surveillance are justified by reference to standard industry practice. Federal law, FCC rulings, and legal decisions all make it relatively easy for police to request information that is "reasonably available" or "accessible" to the telecommunications provider. Once a type of information has been deemed to be "reasonably accessible" under certain technological and industrial configurations, police agencies have successfully promulgated mandates to require that information to remain available, even as those configurations change.

For example, the Federal Bureau of Investigation was a strong supporter of CALEA, which required carriers to make the location of wireless calls available to law enforcement in real time under subpoena or court order. At the time of its enactment, CALEA required specific technical changes to the telecommunications system. These changes were justified in part by the claim that since the address of wired telephones had always been available under similar orders, then, in order to maintain the status quo, the location of wireless phones should also be available. But in fact the legal availability of the address of wired lines was initially justified by the technical "accessibility" to the phone company of its own service records. So we have a circular argument justifying a spiral of surveillance: the address of wired lines was "reasonably accessible" to phone companies, so phone companies were required to make that data available to the police. Because the location of wired phones was legally accessible to police, then the location of wireless phones should be available as well, even if that meant changing the phone system in order to make that information "readily available."

Steadily but quietly, publicly funded initiatives to modernize the 9-1-1 system have spurred development of an infrastructure of surveillance. That infrastructure includes

- the capacity for wireless carriers to locate callers quickly and closely
- privately operated databases linking phone numbers to their current location
- intelligent networks that transfer calls and data based on the locations of particular callers
- sophisticated software that suggests responses based on the attributes of a particular individual in a particular location during a particular situation at a particular time

In part because that infrastructure was developed under a policy of telecommunications deregulation and competition, it is privately owned, segmented, modular, standardized, and generic. Because it is privately owned and generic, its operators have great motivation to expand its usage beyond emergency service provision into markets for other location-based services. Because it is a wellspring of data, police and national security agencies are eager to tap it for surveillance of populations in general and individuals in particular. Some laws restrict the ways in which state and corporate interests are able to pursue their interests, but the infrastructure itself is a profound resource.

Because that resource was created and is supported with public funds, it is the object of legitimate public interest and intervention. That interest has so far been addressed by attention to privacy protection regarding the data generated and stored within the infrastructure. I suggest that that frame is inadequate for understanding or responding to the issues raised by this new configuration of information and knowledge.

Privacy is inadequate, first, because it presumes harm to specific individuals. Surveillance instead addresses the construction of demographic groups or risk categories. Surveillance involves the shaping of social relations, the creation of social knowledge. When marketers crow that they are now able to serve appropriate ads to appropriate persons as they travel through particular regions, we should ask

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not only whose privacy is being threatened, but who decides which ads are appropriate for which persons? To what end are those prescriptions made? Who is constructing the social landscape in which and through which we live?

Instead of focusing solely on privacy, activists must look at a broader canvas and work with a broader palette of possible interventions. The locational infrastructure being developed in the United States is, or should be, a public infrastructure. It is being created by public mandate and supported by public funding. Policy responses toward that infrastructure should be explored in at least two directions. First, can the entire infrastructure, not merely the data within it, be restricted to public safety purposes, and can the parameters of that use be democratically determined? The 9-1-1 system is clearly of profound social benefit. Personally, I am relieved to believe that, should my car overturn on a country road, medical personnel will be dispatched appropriately. I'm less sanguine, though, about the possibility that my commuter route will be "appropriately" developed according to the needs of global corporations, or that roadblocks will be "appropriately" placed along it to intercept potential terrorists.

Second, can the infrastructure be made truly public? Can the databases and data-mining software be made available equitably, not only to those with subpoena or market power, but to those who nevertheless have a political and moral stake in the constructive activities that those databases facilitate? Can we establish some kind of frame that acknowledges them as public resources and the spaces they mediate as public spaces?

The shape of these emerging infrastructures is not pre-ordained. It is the product of human activity. We have today the infrastructure we made in the past, and we will have tomorrow the infrastructure we are making today. We must make these "makings" visible and accessible, and we must engage in them with foresight and sophistication. ●

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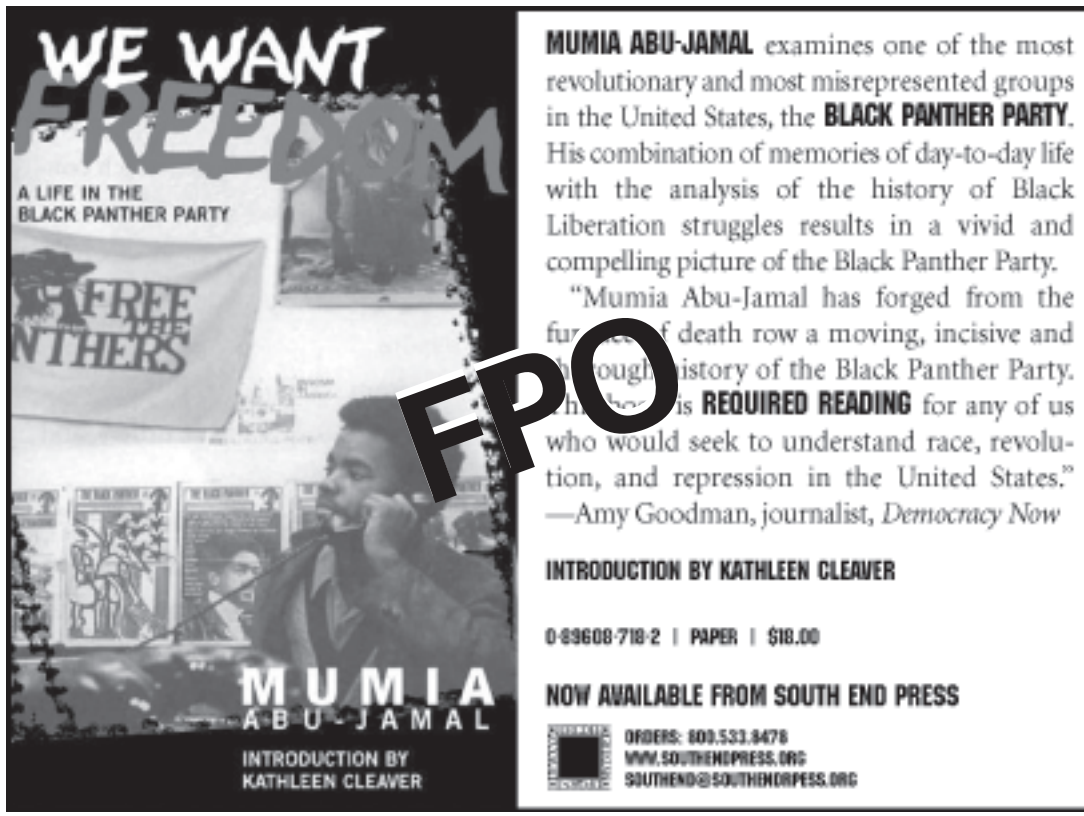
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FREE THE NTHERS
FPO
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Tips and Democracy

Daniele Archibugi

THE MOST FREQUENTLY consulted section of every guidebook is that on tipping. Habits and customs vary from one country to another. Travelers usually try to adapt to local customs; the failure to adapt is often a cause for embarrassment. It is embarrassing enough not to leave a tip where one is expected; in the United States, European tourists are notorious for leaving extremely modest tips. But it is even more embarrassing to leave a tip where one is not expected. In Japan, for instance, taxi drivers, porters in hotels, and waiters courteously refuse to accept tips, causing some discomfort to the misinformed tourist. A guide I consulted on Stockholm tells me that "tips are always included within the bill, but if you would like to leave a tip for good service you are welcome to round the bill up." This isn't quite right: it's the *service*, not the *tip*, that is included in the bill, but the guide provided me with the information I was after: work remuneration is automatically included, whereas tips are additional.

Tipping is a custom, and as often happens with customs, individuals want to conform. If we were to base our behavior exclusively on the idea of self-interest—as economic theory does, as well as most of political science nowadays—we would hypothesize that each individual attempts to "maximize" the tip when finding him/herself on the receiving side and to "minimize" it when disbursing it. Reality, however, doesn't fit the *homo economicus* model: receiver and disburser are prepared to renounce their personal gains in order to conform to the system in force.

Tips represent a form of work remuneration that can be abandoned just as easily as adopted. In Japan tips are nonexistent, while in Europe they are being progressively phased out, with the total cost of the service slowly being included within the bill. In the United States tipping shows no signs of ending. This can be added to the list of differences that further divide the two sides of the Atlantic. I argue for the European view: that tipping is incompatible with a cardinal principle of democracy, the equality of citizens. It is therefore necessary to eliminate tipping and replace it with alternative forms of work remuneration.

What Is a Tip?

A tip is defined as the price, determined unilaterally by the customer, for a service received; it is not obligatory, and its amount is not fixed in advance, except by a social code. In theory, tips ought to correspond to the customer's understanding of the service received. For the employee, tips are a part of the compensation for a job performed. Tips can represent anywhere from 0 percent to 100 percent of an individual's total income.

The tips I am talking about are not bribes, because, usually, illicit payments are made prior to the service, whereas the tip is made following it. The difference can be minimal. In the old Soviet Union, for instance, it was common for the customer to pay the waiter a "tip" in advance in order to assure that he/she got a table. Even when the "tip" is paid at the end of the service, it can still be a form of extortion. I am not considering in my discussion those discretionary payments disbursed by employers to their regular and occasional staff. What an employer pays cannot be considered a tip, because it doesn't come from the recipient of the service.

Tipping is also very different from charity, which is not disbursed as a consequence of a service received. Both can, of course, be customary: in the south of Spain and Italy, for ex-

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ample, after mass Catholics give money to beggars who are lined up outside the church, but they don't tip the priest for performing the mass.

Tips are common only in certain job sectors—those involving personal services, with hairdressers, food servers, taxi drivers, hotel bellhops, and tourist guides being the most striking examples. Depending on the sector and the job, tips can represent a substantial contribution to a worker's wage. Take New York as an example: I estimate that for bellhops, tips make up just 10 percent of their total income, while for taxi drivers this can go up to 20 percent, and for food servers tips can make up 80 percent of their income. Even in the most modest of cases, the sum is never trivial.

Arguments Against Tips

There are seven compelling reasons to oppose tipping:

• **Tipping creates disequilibrium among citizens.** Because its size is not defined in advance, nor is it subject to contractual agreement, the individual who is receiving the tip finds him/herself in a disadvantaged position in respect to the one disbursing the tip. One could argue that an analog situation is encountered whenever a buyer and a seller, or a boss and employee interact. But there is a fundamental difference in these cases. In principle, at least, the rules of the game are explicit and can be accepted or refused by both parties. A work contract between an employer and an employee can be long or short term (it can last just one day), but the rules are defined in advance. Similarly, the relationship between a seller and a customer is based on fixed prices. Even in cases where prices are subject to bargaining, this takes place *ex-ante* and not *ex-post*. Lack of agreement means that the transaction isn't completed. In the case of tips, by contrast, the rules of the game are implicit, and the recipient is unable to contest the outcome. The transaction takes place even if the two parties are not in agreement, as in the following story:

> The most affectionate customer of the café was a little old lady who, every morning, at 8:45 AM sat at the best table of the café. It was a corner table in the sun from which one could poke on to the street both up-hill and down-hill. With an amiable smile the little old lady used to order "the usual", that of course was a cappuccino and a croissant. She read the most reactionary newspaper of the city until late morning, indifferent to what was happening around her. Gradually, more customers arrived to the café and they often had to wait, standing, for a table to become available. When at noon she decided to fold her newspaper in sixteen equal portions and place it in her handbag full of lace, she left on the table the usual coins: two of a hundred and a fifty. Of a tip, naturally, there was no trace. Day after day we served her the cappuccino with increasing reluctance, but the old lady remained deaf to the croaking noise produced by the cup being thrown on the hard marble surface of the table, and appeared blind to our grins and the gestures we used to make from one side of the square to the other. We could have resorted to the classic method of spitting into the cup, but it wasn't our style. She was old, it's true, but she could have lived for another twenty years at least. We had no alternatives: to get rid of her, we would have had to poison her. (Giorgio Corleone, *Il frutto delle mani* [(Buzzicotto, 1958)], p. 71).

• **Tipping creates distorted incentives.** The main argument in favor of tipping is that workers have a direct and immediate incentive to provide good service. Waitstaff will be more polite and efficient because they expect to receive a tip, taxi drivers will try to find the quickest route, and hairdressers will make each curl more seductive. I do not deny that this system of incentives may be functional, but it is incompatible with a system of equality between citizens. If performance is directly linked to its singular incentive, and if that incentive is repeated for each particular transaction (each table served, each journey run, each head shampooed), the fundamental rights of the workers are denied, for they are like hounds running after a lure. This is worse than piecework.

• **Tipping does not protect the customer.** Another argument in defense of tipping claims that it gives customers the possibility of defending themselves against poor service. But this is very weak. Citizens need to be protected from services disbursed in a monopolistic re-

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gime or in cases where there are information asymmetries between the service provider and the recipient. But tipping has never been a characteristic of any services of this sort (electricity, water, gas, the railway, until recently, the telephone). It is true that when we take a taxi from the airport to the city center, we often don't know the best routes or the usual tariffs. So taxi drivers sometimes take advantage of oblivious tourists. But tipping is no solution to this problem, because we lack the necessary information at the end of trip as well as at the beginning. The tip doesn't protect us against the inflated tariff.

Where tipping is a common practice, monopolistic power is usually minimal. Customers can always make their case through defection (*exit*) or through complaint (*voice*).[1] If the justification behind tipping is the protection of consumers, then it would be logical to introduce it first within those services provided by monopolistic regimes, such as electricity, water, and gas.

• **Tipping interferes in the relations between employee and employer.** Tips establish an unhealthy alliance between employers and customers, because both have an interest in getting as much as possible from the employees. The former have an interest in satisfying their customers so as to expand their economic activity**.** The latter have an interest in receiving the best possible service. The tip therefore is an instrument useful to both parties, placing the entire burden on the shoulders of the employee. To stimulate workers through the use of tips would be entirely unacceptable in different contexts. Could we imagine, for instance, that a tip was paid to the workers making a PC as a result of the satisfaction of its purchaser?

There is also the idea that owners of, say, cafés and restaurants share risks with their employees. Essentially, though, employers who pay their employees 20 percent of the expected average wage are offering not a job but a chance to work. If there are customers, there will be profits and tips; if not, not. If being an entrepreneur means assuming the entire burden of risk, why are such employers shifting part of that burden to employees? If employers wish to share risks with their employees, nothing stops them from doing so by paying the employees with a proportionate share of the profits. There are already examples of co-management, which have the advantage of increasing the incentives of employees and their participation in running the business.

• **Tips are not paid for the service provided.** The reasons a tip is paid often have nothing to do with the quality of the service provided. Personal sympathy, charm, flirtation, and attitude are all factors that can contribute to the size of a tip. This is best elucidated by the outstanding example of for-men-only clubs. The tipping of a topless waitress has little to do with the drink she has brought to the table. In a more moderate fashion, the same applies to waitstaff, taxi drivers, and bellhops.

• **Tips allow tax evasion.** A further reason for arguing against tips is that they allow for tax evasion. The consumer and the service provider are, finally, accomplices: on the one hand, consumers do not pay taxes on the actual amount paid for the service rendered; on the other hand, a significant portion of the recipients' income is unreported. One can, obviously, object that a scrupulous food server or taxi driver would declare to the tax office the sum of the tips received, but everyone knows, tax officials first of all, that that doesn't often happen.

• **It isn't always the one who disburses the tip who is actually paying.** I would add, though, that I find it difficult to present to my boss an expense account with the tip included. If I go to a restaurant, and I believe the service to be excellent, according to U.S. standards, I would need to leave a tip somewhere between 20 percent and 25 percent of the bill. But how can I expect my boss to pay for a personal decision? Assuming that 15 percent is the average tip, if I want to pay 5 percent or 10 percent on top of this, should I not pay it myself? Can I be generous at someone else's expense?

• **Tips deter social relations.** Here we come to the main reason why I decided to write about this subject. The relations between service providers and customers are also human relations. Within Italian society, barbers have a social role comparable to that of a priest or a psychoanalyst. One discusses politics, jokes with them, and confides those secrets that one wishes to

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spread around the neighborhood. To think that these human relations take place in the hope of receiving a more generous tip makes genuine dialogue difficult, if not impossible. I enjoy talking about food and wines with food servers and find it amusing to engage in heated debates. But when I dine in the United States I cannot avoid thinking that 80 percent of the income of my interlocutors is dependant on my tip. Is it even possible for them to contradict me when I argue that an Italian red wine is superior to a French red wine? The discussion is inevitably forced, with my interlocutors doing everything they can to please me. Their lack of freedom reduces mine.

Tips and Inequalities

Tips are disbursed to workers who carry out subordinate duties ("services"). The problem is an old one, overloaded with social consequences. The first liberal writers, for instance, were against universal suffrage because they believed that a subordinate employee did not have the same freedom of opinion as an autonomous worker. As a result of the French Revolution, Immanuel Kant reflected on this matter and suggested the following limit on the concession of political rights:

> The only qualification required by a citizen (apart, of course, from being an adult male) is that he must be his *own master*, and must have some *property* (which can include any skill, trade, fine art, or science) to support himself. In cases where he must earn his living from others, he must earn it only by *selling* that which is his, and not by allowing others to make use of him; for he must in the true sense of the word *serve* no one but the commonwealth.

Kant attempted to elucidate what he had in mind, adding in a note,

> He who does a piece of work can sell it to someone else, just as if it were his own property. But guaranteeing one's labour is not the same as selling a commodity. The domestic servant, the shop assistant, the labourer, or even the barber, are merely labourers, not *artists* . . . or members of the state, and are thus unqualified to be citizens. And although the man to whom I give my firewood to chop and the tailor to whom I give material to make into clothes both appear to have a similar relationship towards me, the former differs from the latter in the same way as the barber from the wig-maker (to whom I may in fact have given the requisite hair) or the labourer from the artist or tradesman, who does a piece of work which belongs to him until he is paid for it.[2]

If we bear in mind that Kant wrote this just after the American and French revolutions, we cannot fail to notice how obsolete his argument already was. David Ricardo and Karl Marx have made it easier to understand what Kant really meant: only those who do not sell their labor power should enjoy political rights. Still, the opinion of a great thinker makes us ponder even when it is outdated. The problem raised by Kant concerns inequalities in the economic and social sphere, which are inevitably reflected in the political sphere.

Universal suffrage has by no means solved the problem. Can citizens be considered equal if they possess very different degrees of economic power? Kant's reflections today serve a purpose exactly opposite to that envisaged by him. Conditions within the economic and social sphere no longer determine the political status of a citizen. On the contrary, there is wide agreement about removing economic and social obstacles to the practice of political rights.[3] Today, Kant's reflections lead us to ask ourselves whether subordinate employment is compatible with a fully developed democracy.

Although the number of those receiving tips is decreasing in some of the industrialized world, such citizens have a major handicap compared to those with other forms of subordinate employment: their inferiority is relative not only to their employer, but also to all those with whom they interact professionally. It is not by chance that the receivers of tips are the same individuals who carry out jobs that do not require much qualification. Other people who also offer personal services, such as lawyers, accountants, psychoanalysts, and surgeons would be offended and ashamed at the idea of having a share of their income dependent on tipping. What is the difference between these people and the food server, hairdresser, and taxi driver? It probably goes back to the level of professional qualification.

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Or, more brutally, to the different social classes to which the two groups belong. A professional who was offered more money than he or she asked for, would probably reply, "I do not need charity."

From a technical point of view, the tipping system could be applied to university lecturers. Instead of making students pay high fees, why not leave them free to choose how much to give to the lecturer, perhaps within some customary maximum and minimum? If tips motivate waitstaff to provide better service, why shouldn't they motivate professors to prepare better lectures? How would professors feel if a portion of their income depended on the tips left by students on their desks at the end of each lecture?

The American System

If tipping is a feudal residue, why is it so rooted in the country with the most developed capitalist system, the United States? In developing countries, where considerable shares of the population live under the poverty line, tips are perceived as charity. In countries with primitive administrative and judicial systems, it is common practice to pay a tip for a service, but this is better understood as a bribe. In the United States, though, tips are confused neither with charity nor bribes: they are a voluntary payment. Why is this so?

On the one hand, it feels as if Americans affirm their dominance through tipping; it's not surprising that those who are tipped are often ethnic minorities or recent immigrants. On the other hand, tips are an expression of the desire of Americans to be "free to choose." Fundamental components of the European social system are financed by tax revenue; in the United States, by contrast, they are financed (insofar as they are financed) by charity. Voluntary contributors support museums, theaters, research centers, and even hospitals. For Europeans, such a system appears anomalous; they commonly don't believe that citizens have the information necessary to establish whether a hospital for war veterans takes priority over a folk museum. They prefer to let their governments decide. This matter appears to be another fundamental difference between the two sides of the Atlantic.

Abolishing Tips

The analysis made here leads to a clear and explicit proposition: the abolition of tipping in all its forms. The cost of work must be included directly within the bill, and subjected to taxation like all other invoices. To abolish tips does not mean to reduce the income of workers who have benefited from them but to transform the benefit from something variable and voluntary to something fixed and compulsory. In certain European countries, when the system was in transition, bills included the words "service included" or "service not included." This could be a good way to make the transition, because it sustains the net income of subordinate workers within the service sector. Even in those countries where tips are tolerated as a "rounding up" of the bill, it would be desirable to raise wages in a corresponding manner and gradually introduce a system where tips are phased out and, even better, considered offensive.

From the point of view of the customer there would be a price increase, because the component that now is not currently subjected to taxation would be so in the future. But, if the status quo were to be maintained, it would be possible to decrease correspondingly the fiscal burden on the tip-associated income.

Of course, the issue of personal gratitude toward a service provider must also be dealt with. We cherish gratitude for our best teachers, for a doctor who cures us, for a masseur who frees our back from pain, and for a cook who prepares a good coffee and croissant at mid morning, or for a smiling food server. How then should we express our gratitude? Is an anonymous cash donation the only way? Our society would be much more complete if we were to find other ways. A bunch of flowers; a postcard; a book; and, for whoever is able to do so, the composition of a sonnet, can express gratitude in a manner much more subtle than money—which varies in quantity, but never in quality.

Tips are humiliating both for the worker and the customer. They sanction a social division: those who have the power to determine the income of others and those whose income is dependent on that determination. Also, they create a distorted social interaction, where one group of people, those being tipped, must nec-

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essarily be obsequious toward those disbursing the tips. Moreover, tipping creates problems for people spending someone else's money as well as causing some damage to the treasury in the form of minor fiscal evasions. The costs of work must be included in the price and must not be subject to the discretionary power of customers. Dissatisfied customers have several options, the first being exit—taking their service elsewhere—the second, voice—complaining about poor service. A democratic society should abolish tips while increasing the compensation of those who have customarily received them. ●

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1. Albert Hirschmann, *Exit, Voice, and Loyalty* (Harvard University Press, 1970).

2. Immanuel Kant, "On the Common Saying: 'This May be True in Theory, but it does not Apply in Practice,'" in *Kant, Political Writings*, edited by Hans Reiss (Cambridge University Press, 1991), pp. 77-78.

3. See, for example, David Beetham, *Democracy and Human Rights* (Polity Press, 1999) especially chapter 4.

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Earthquake: Misfortune, Injustice, or the Will of God?

From Bam to Lisbon

Mansour Farhang

On December 26, 2003, a powerful earthquake struck southeastern Iran, killing more than forty-one thousand people, injuring sixteen thousand, leaving seventy thousand homeless, and destroying more than 60 percent of all structures in the city of Bam. The ancient quarter of Arg-e-Bam, including a two-thousand-year-old citadel, built entirely of mud bricks, clay, straw, and trunks of palm trees, was also severely damaged. Bam was founded during the Sassanian period (224-637 C.E.) and its attractions to visitors, in addition to the citadel, were a Zoroastrian fire temple and other remains of the time when the city was a commercial center on the famous Silk Road.

The day after the devastation, local people told reporters that on Friday, December 26, a light quake awakened them at 4:00 a.m. Some got frightened enough to go to the street, but they soon returned to their beds. Then at 5:27 a.m. an earthquake that registered 6.6 on the Richter scale caused the collapse of roofs and ceilings, made largely of bricks to keep the house cool in the summer, and buried the sleeping residents under tons of rubble. The location of the earthquake was in a region where major faults had been previously mapped, about sixty miles south of towns where two other earthquakes had occurred, on June 11 and July 28, 1981, causing forty-five hundred deaths.

Iranians at home and abroad responded to the news of the quake with an outpouring of sympathy and with efforts to raise funds for survivors and also for the reconstruction of the city. In the words of one observer, Ahmad Reza Shahri, the spontaneity of people's behavior was reminiscent of their solidarity in the early days of the 1979 revolution or at the time of Iran's 1997 victory in the football match with Australia.

Three days after the quake, Ayatollah Ali Khamenei, the Supreme Leader of the Islamic Republic, visited Bam, expressed sympathy for the victims, and urged government officials to help the survivors and expedite reconstruction efforts. Then he added that "this disaster reveals *emtahan-e elahi* [God's testing]. It is in such hardships that we can grow and strengthen our faith."[1] Khamenei's use of the expression *emtahan-e elahi* was not original. His predecessor, Ayatollah Ruhollah Khomeini, the founder of the Iranian theocracy, used the same phrase in a statement addressed to the general public following one of the 1981 quakes:

> The devastating earthquake that caused so many deaths and so much destruction has made us all sorry and grieving. Yet, we must view the occurrence of such disasters as God's way of testing our resolve. All of us, including the survivors of the quake, need to prove that in the face of misfortune we can remain faithful to the edict of the Glorious Koran and consider ourselves as simply temporary trustees of God.[2]

A variety of public officials appearing on Iran's state-owned radio and television stations in the days following the quake referred to Ayatollah Khomeini's words to console their audiences.

The fund-raising initiatives, with impressive success, continue to this day, but the discussion of the tragic loss of life has shifted to the question of Iran's vulnerability to earthquakes and the dismal performance of government agencies in the rescue and recovery operations. Why is it, critics ask, that a country on the seismic line has failed to implement

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building codes that can make structures earthquake-resistant? This ongoing dialogue is focused on the political causes of Iran's failure to learn from the impressive success of Japan and California in containing the consequences of earthquakes. In fact, many observers, including scientists, poets, journalists, historians, and social scientists, are using the Bam earthquake to discredit the idea that human beings are lost and helpless in the face of natural disasters. Instead, they argue that much of the devastation was due to the vulnerable housing of Bam's residents. They contend that existing technology, if applied, could enable towns and cities to survive major quakes. They provide examples of how caring and scientifically equipped governments have managed to reduce dramatically both casualties and material loss. To illustrate this point, observers compare the devastation in Bam with the 1989 earthquake in San Francisco. In Bam, the quake reached a magnitude of 6.6 and killed forty-one thousand, while in San Francisco the quake measured 7.1 and resulted in only sixty-three deaths.

In the days following the calamity, Bahram Akkashe, a physics professor at Tehran University, explained Iran's vulnerability to earthquakes and criticized public officials for their negligence in applying available knowledge to minimize the quake's destructiveness. In an interview with Persian BBC, he complained that for four decades Iranian authorities have ignored his warnings about the necessity of city planning and building codes in the vulnerable regions of the country. Another Iranian observer, in a passionate article posted on a popular Web site, wrote that "we can blame the weak structure of the two-thousand-year-old Bam citadel on absence of technical knowledge or sturdier materials at the time it was built, but what is our excuse for the poor structure of the houses built in recent times? We live in the age of technology and information but have failed to do better than our ancestors in strengthening the resistance of our dwellings against natural disasters"[3] Ali Esfahani, an Iranian poet residing in Canada, expressed the sentiments of many Iranians in verse:

Keep On Saying, "My God is Kind"

As the ceilings tumbled
and dust filled the eyes and mouths
struts and beams landed on heads and necks
and hands and legs ready to stir
stopped still under heaps of soil,
as moans and shrieks ascended the sky,
we were not there to see all this suffering
and speak not a word of it,
but God, after all, was there.

Did he not see babies sucking on their mothers' breasts?
Did he not see shy new brides climbing into their nuptial beds?
Did he not see flocks of faithful in nocturnal prayers?
Did he not see feverish bodies dreaming of good health?
Did he not see? Did he not? Did he?

Did he not know that no mother would be left to put balm on the wounds of thousands of bleeding children?
Did he not know that surviving mothers and fathers
having lost their children, would have no desire for life?
Did he not know that those who were away from home
would have no kinsmen left to cry on their shoulder?
Did he not know? Did he not?

Would you keep on saying, "my God is kind"?
Would you, for the sake of your kind God,
define kindness for me![4]

Web logs, radio interviews with people on the street, newspaper articles, and commentaries on numerous Web sites reveal that mocking the idea of *emtahan-e elahi* and blaming the government for failing to implement earthquake resistant measures are now common themes of Iranian national discourse. Numerous Iranians question the idea of God controlling the workings of nature or authorizing anyone to guide their lives—a veiled reference to the ruling clerics' claim, enshrined in the Islamic Republic's constitution, that they are "the viceroys of God on earth." In other words, Iranians are using the quake to criticize, not only the competence and priorities of government but, more pointedly, the regime's religious

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claims to legitimacy.

In both the Bible and the Qur'an, the Day of Judgment begins with an earthquake. There are numerous references in the sacred texts of Jews, Christians, and Muslims to earthquakes as a manifestation of God's power.

> And the earth opened its mouth and swallowed them up, with their
> households and all the men with Korah, with all their goods. So they
> and all those with them went down alive into the pit; the earth closed
> over them, and they perished from among the assembly. Then all Israel
> who were around them fled at their cry, for they said, "Lest the earth swallow us up also." (Num. 16:31-34)

> So when the centurion and those with him, who were guarding Jesus,
> saw the earthquake and the things that had happened they feared
> greatly, saying, "Truly this was the son of God." (Matt. 27:54)

> And there will be great earthquakes in various places, and famines
> and pestilences; and there will be fearful sights and great signs
> from heaven. (Luke 21:110)

> When earth is rocked in her last convulsion; when Earth shakes off
> her burdens and man asks "What may this mean?"—on that day she
> will proclaim her tidings, for your Lord will have inspired her. On that
> day mankind will come in broken bands to be shown their labors.
> Whoever has done an atom's weight of good shall see it, and whoever
> Has done an atom's weight of evil shall see it also. (Qur'an 99:1-8)

> On that day the heaven will shake and reel, and the mountains crumble
> away and cease to be. On that day woeful shall be the plight of the
> unbelievers, who now divert themselves with vain disputes. (Qur'an 52:9-12)

According to these texts, it is not only earthquakes that signal God's judgment. Wind, storm, rain, and hail are also included in God's armory for ruling the world in righteousness. Before the spread of scientific knowledge, theologians in the Judaic, Christian, and Islamic traditions (perhaps others as well) assumed that a wise God created nature and that any apparent imperfection in its working had to be judged in accordance with the absolute goodness of his overall plan. They portrayed the victims of earthquakes as God's intended targets who had to suffer for their sins or be tested for their faith.

From the beginning of recorded history to the middle of the seventeenth century, men and women belonging to diverse cultural traditions were convinced that all natural disasters had a divine purpose, however incomprehensible the purpose might appear to humans. The victims of nature's calamities had no one to blame for their plight. Not until the age that came to be known as the Enlightenment was there a reconsideration of common views about natural disasters. Some wondered, for example, what kind of sins could infants and children commit to deserve God's wrath? Why was it that when earthquakes struck, the inhabitants of mud houses always turned out to die or suffer in greater numbers than those who lived in stone structures? It was a time for rethinking the workings of nature, human personality, science, values, beliefs, religion, the role of the church in governance, the source of political legitimacy, and the purpose of political rule. Debates on these issues began the historic contest between modernity and tradition, which tested the capacity of reason to overcome habitual views and fatalistic beliefs about social and natural phenomena.

The Lisbon earthquake of November 1, 1755, provided a dramatic focus and a turning point in the ongoing political and philosophical arguments. The estimates of the number of people killed by the earthquake ranged from ten thousand to fifteen thousand; only three thousand of twenty thousand city dwellings remained habitable after the calamity. At the time, Lisbon was the fourth largest city in Europe, after London, Paris, and Naples, with a

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population of 275,000. The city was a center of the Inquisition and more religious than London or Paris. Its destruction compelled observers throughout Europe to go beyond expressions of sympathy for the victims; they tried to understand the devastation and to draw political, economic, and moral lessons. The Jesuits (who had close ties to the aristocracy in Portugal) insisted on the correctness of the doctrine of supernatural causation. Many Protestants viewed the event as a punishment aimed at the perpetrators and supporters of the Inquisition. On the first anniversary of the earthquake, Gabriel Malagrida, an influential Jesuit missionary, issued a pamphlet arguing "that the people of Lisbon had continued on their sinful ways, including their love for theater, music, dance, and bull fighting and that their efforts to repent were shortsighted." He urged people to wake up and make peace with God:

> Learn, O Lisbon, that the destroyers of our houses, palaces, churches, and converts, the cause of the death of so many people and of the flames that devoured such vast treasures, are your abominable sins, and not comets, stars, vapors and exhalations, and similar natural phenomena.[5]

THE MOST REVEALING debate on the implications of the Lisbon earthquake was an exchange between Voltaire, the literary star of the Enlightenment, and Jean-Jacques Rousseau, the first conceptual analyst of natural disasters. They had corresponded with each other before the earthquake, but their public clash came after it. Voltaire's first response to the disaster was his famous *Poem Upon the Lisbon Disaster: An Inquiry Into the Maxim Whatever Is, Is Right*. The poem was an attack on all those who believed that natural disasters were acts of God—the just but incomprehensible God:

> Seeing these stacks of victims, will you state,
> Vengeance is God's, they have deserved their fate?
> He is unshackled, tractable, and just.
> How comes he, to violate our trust?
> . . .
> Say what advantage can result to all
> From Lisbon's lamentable fall?
> . . .
> Leibnitz can tell me from what secret cause
> In a world governed by the wisest laws
> Lasting disorders, woes that never end
> With our vain pleasures, real sufferings blend.
> . . .
> Defects and sorrows, ignorance and woe
> Hope he omitted, man's sole bliss below.[6]

Voltaire boldly opened a discussion but offered no resolution; he did not question the view of disaster as misfortune. He simply used the earthquake to undercut the dominant religious view of natural disasters. Rousseau, a deist, found Voltaire's assault on traditional faith disturbing. He agreed with Voltaire that earthquakes are natural calamities, but he thought that quarreling with God could only deprive the victims of their hope in a benevolent deity. More significantly, however, Rousseau suggested a new way of thinking about the disaster:

> Without departing from your subject of Lisbon, admit, for example, that nature did not construct twenty thousand houses of six or seven stories there, and that if the inhabitants of this great city had been more equally spread out and more lightly lodged, the damage would have been much less and perhaps of no account.[7]

This is a social scientific perspective, implying as it does that some of the dead were victims of negligence because certain measures could have been taken to reduce the earthquake's destructiveness. Rousseau introduced the concept of vulnerability by pointing out that poor structures, weak building materials, the urban pattern, and the location of Lisbon made the residents of the city susceptible to damage. His clear conclusion was that the community needed to take steps to minimize the effects of natural disasters.

The Lisbon earthquake was the first modern disaster that compelled the state to oppose the notion of supernatural causation and accept responsibility for the reconstruction of the city. The late political theorist Judith Shklar noticed this and wrote that

> the modern age has many birthdays. One of them, my favorite, is the Lisbon earthquake of 1755. What makes it such a memorable disaster is not the destruction of a wealthy and

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> splendid city, nor the death of some ten to fifteen thousand people who perished in its ruins, but the intellectual response it evoked throughout Europe. It was the last time that the ways of God to man were the subject of general public debate and discussed by the finest minds of the day.

Shklar uses the public response to the Lisbon earthquake to illustrate how people who once regarded certain kinds of suffering as misfortunes, "acts of God," came to view them as injustices—caused by the action or inaction of the powerful. She argues that the border between misfortune and injustice is historically and culturally moveable:

> Someone simply must be blamed to maintain the unquenchable belief in a rational world, but the exculpation of God has not made it easier to know whom to accuse. Nor has it helped us to decide which of our travails are due to injustice and which are misfortunes. When can we blame others and when is our pain a matter of natural necessity or just bad luck? . . . . The very distinction between injustice and misfortune can sometimes be mischievous . . . .On the border between misfortune and injustice we must deal with the victim as best we can, without asking on which side her case falls.[8]

The city of Bam in 2003 had little in common with Lisbon in 1755, but the two earthquakes produced similar conversations among Iranians and Portuguese, focusing on the negligence of public officials and the religious beliefs used to justify the dominant political order of eighteenth-century Portugal and Iran today. Ali Esfahani may not have read *Poem Upon the Lisbon Disaster*, but the spirit of his song is identical with that of Voltaire. The idea that God is behind natural disasters is still a respectable superstition in most Islamic societies, just as it was in premodern Christian communities. However, Muslim preachers, unlike their distant Christian counterparts, have never viewed the victims of natural disasters as sinners who deserved their misfortune. Instead, they propagated the idea of *emtahan-e elahi* or God's testing in order to prove that God acts for a reason. With the spread of scientific knowledge and secular ideas in eighteenth-century Europe and twentieth- century Islam, people of diverse cultural traditions, particularly the learned among them, began to view natural disasters in political, economic, and normative terms. They came to see the action or inaction of the state as a primary determinant of how destructive or deadly an earthquake can be. They gradually moved (are moving) to regard those dying under the rubble or left homeless in the aftermath of a natural disaster more as victims of injustice than misfortune.

Today, in advanced industrial societies, the assertion that God is behind "Mother Nature's fury" is generally dismissed as atavistic. In the United States, however, some church leaders still see the hand of God in such disasters as the AIDS pandemic and the indiscriminate violence of men. For instance, following the 9/11 calamity, Jerry Falwell said, on a television program hosted by Pat Robertson, "I really believe that the pagans and the abortionists and the feminists and the gays and the lesbians who are actively trying to make that an alternative lifestyle, the ACLU, People for the American Way, all of them who try to secularize America. . . . I point the finger in their face and say you helped this happen." And Robertson replied, "I totally concur, and the problem is we've adopted that agenda at the highest levels of our government, and so we're responsible as a free society for what the top people do, and the top people, of course, is the court system."[9] The suggestion that God had assigned the task of punishing America for its sins to Osama bin Laden turned out to be so offensive to the general public that Falwell and Robertson felt compelled to retract their words. Yet, a review of religious right publications during the period reveals that various evangelical observers answered the question of how 9/11 could happen by referring their readers or listeners to the Bible. For example, Frederica Mathewes-Green wrote in *Christianity Today* (September 25, 2001), "this isn't just an Old Testament phenomenon. When people told Jesus that Pilate had killed worshippers at the Temple, he responded, 'unless you repent, you will all likewise perish.' (Luke 13:3). There seems to be a biblical pattern here: national suffering should bring about repentance."

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In mature democracies, planning to minimize the harm of natural disasters or contain their consequences has become institutionalized.

Universities teach courses in the field and support research projects seeking to find more effective ways of responding to the needs of disaster stricken people. But no dictatorial regime has shown a serious inclination to move in this direction. The failure is not always due to lack of funds. Over the past half century, Iran has received nearly a trillion dollars in oil revenues. Much of this vast capital has been diverted to the kind of economic projects that enrich the politically dominant class. Expenditures on the army and on other instruments that serve to maintain the incumbent despotism also account for the waste of the nation's oil money. The Iranian state has devoted very little of its wealth to developing a comprehensive program of earthquake-resistant measures in the vulnerable regions of the country, including Tehran with its twelve million people. Concentration of wealth and income in Iran has become more skewed in the clerical theocracy than it was under the Pahlavi dictatorship. This trend is unlikely to change so long as despotism prevents the Iranian people from taking part in the political life of their country.

●

Mansour Farhang, professor of politics at Bennington College, served as revolutionary Iran's first ambassador to the United Nations. He resigned his position in protest when his efforts to negotiate the release of the American hostages in Tehran failed.

1. www.kayhannews.com/821009/other3.htm

2. Sahifeh-e Imam Khomeini, Vol. 14, pp. 422-3.

3. http:// khabarnameh.gooya.com/culture/archives/2004/01/004876print.php

4. The Persian version of this poem was posted on: http://farhang.iran-emrooz.de/print.php?id=2216_0_13_0. I wish to express my gratitude to Professor Ahmad Karimi Hakkad for translating the poem into English.

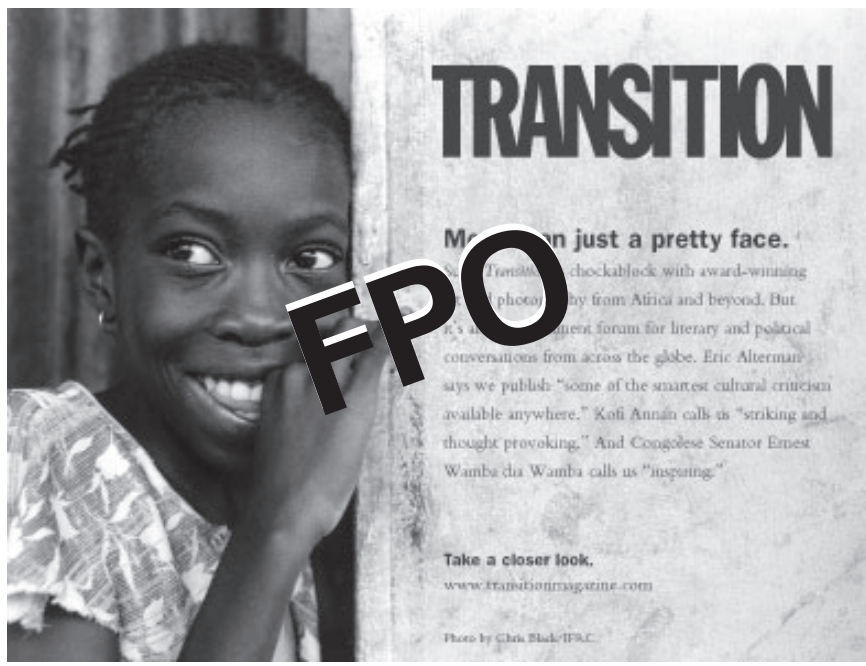
5. T.D. Kendrick, *The Lisbon Earthquake* (London: Methuen and Co., 1956), p. 89.

6. Ben Ray Redman, *The Portable Voltaire* (New York: The Viking Press, 1949).

7. Roger D. Masters and Christopher Kelly, Eds. *The Collected Writings of Rousseau, Vol.* 3 (Hanover, N.H.: The University Press of New England, 1992), p.110.

8. Judith N. Shklar, *The Faces Of Injustice* (New Haven: Yale University Press, 1990), pp. 51, 55.

9. www.pfaw.org/pfaw/general/default.aspx?oid=1817



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Memuna, Almost Smiling

Looking at a Photograph of Suffering

Susie Linfield

THERE IS A photograph that shadows me, entering my imagination at inappropriate moments. It originally appeared in the August 2000 issue of *Vanity Fair* magazine, accompanying an article by Sebastian Junger called "The Terror of Sierra Leone," which reported from the frontline of a notably fierce and barbaric civil war. The article promised to present "new evidence of the cold-blooded calculation that fuels the rebels' insanity," a claim whose sensationalism made me bristle but whose accuracy I could not deny. The photo was taken by Teun Voeten, a Dutch photojournalist who had first come to Sierra Leone in 1998 and had previously covered the wars in Sarajevo and Kosovo.

The picture shows a girl named Memuna Mansarah. She is three years old, and was living in a refugee camp in Freetown. Memuna has plump cheeks, short fuzzy hair, and large, clear black eyes that stare not quite at us, but slightly upward (Voeten may have been standing when he took the picture): Something has caught her attention. She is almost smiling, as if, rather than being amused, she is *considering* being amused. Memuna is wearing a clean, frilly, sleeveless white dress that contrasts sharply with her deep-black skin; her left ear sports a little gold earring. She is clutching what looks like a large piece of soft bread in her tiny left hand with its tiny fingernails. Her right arm, hacked off just above the elbow by her compatriots in the inaptly named Revolutionary United Front, is a short stump that bulges out slightly toward its base. A journalist who has reported from Sierra Leone told me last year that Memuna has been adopted by an American family.

I have looked at this photo many times, thought about it, written about it, but I am still not sure how to do these things nor, certainly, how to do them right. My thoughts and feelings about the photograph have changed in various ways over time, but the more that happens, the more an underlying desolation—my helplessness before Memuna—becomes hard to escape. In a chapter of her book *Ordinary Vices*—a chapter called "Putting Cruelty First"—the political philosopher Judith Shklar explicates some of the problems this photo presents for me:

> Who indeed knows how best to think about victims? Since anyone can become a victim, they are merely a fair sample of all mankind. Victimhood happens to us: it is not a quality. What, moreover, can one do for or to those victims who are killed, not merely injured? With so many occasions and so much time to consider victims, we have not really improved upon Montaigne and Montesquieu. Victimhood may have become an inescapable category of political thought, but it remains an intractable notion. We are often not even sure who the victims are. Are the tormentors who may once have suffered some injustice or deprivation also victims? Are only those whom they torment victims? Are we all victims of our circumstances? Can we all be divided into victims and victimizers at any moment? And may we not all change parts in an eternal drama of mutual cruelty? Every question about responsibility, history, personal independence, and public freedom and every mental disposition haunts us when we begin to think about victims. That has become especially so thanks to the great massacres of our age.

Yet in certain ways, we evade rather than answer Shklar's questions by looking at Memuna, because Memuna is a three-year-old child and therefore as close to pure victimhood

Photo by Teun Voeten

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as anyone on Earth. Children present us with certain moral absolutes (indeed, these may be the only absolutes that remain in an ever-more-relativistic world): Is there anyone who believes, or at least would publicly profess, that a child "deserves" to be hungry, to be terrorized, to be tortured, to die? Memuna is a victim of circumstance but she is no victimizer, and the drama of cruelty in which she finds herself is surely not mutual. That's why her photograph is not just painful but perplexing—and why photographs of violated children are among the most problematic images of suffering.

Looking at this photograph four years ago, I felt angry. Anger, first, at the sadists who did this to Memuna, and who I knew had done the same to tens of thousands of others. But I felt anger also at Teun Voeten, and at Sebastian Junger, and at the editors of *Vanity Fair*. For my rage against the perpetrators turned into pity for Memuna, and my pity led to a new anger at feeling manipulated by the photo. What could I do with my pity, which felt so shamefully obedient? I dislike pity, and I dislike manipulation, and my dislike of my pity (which was now self-pity) became, increasingly, the focus of my reaction to this photograph. It was only later that I realized I was acting out, almost precisely, John Berger's prediction of many years before: He had written that, when looking at an image of political violence (in his case the Vietnam War), the shock of the photograph makes it seem "discontinuous with all other moments. . . . But the reader who has been arrested by the photograph may tend to feel this discontinuity as his own personal moral inadequacy. *And as soon as this happens even his sense of shock is dispersed*: his own moral inadequacy may now shock him as much as the crimes being committed in the war." (Berger suggested that the viewer solve this paradox by confronting her own lack of political freedom rather than the suffering of others, which I suspect he thought would then lead to revolution.)

Pity has a bad reputation among many moral philosophers and moral thinkers, and for good reason. Shklar described pity as "often mean-spirited." Hannah Arendt posited that Dostoyevsky's Grand Inquisitor sought to rob mankind of freedom not out of hatred, but from pity. Primo Levi, who knew cruelty firsthand, knew, too, that pity and kindness are worlds apart; thus he observed of the guards at Auschwitz: "[P]ity. . . grows quite well if ably cultivated, particularly in the primitive minds of . . . those very brutes who have no scruples about beating us up without a reason, or treading our faces into the ground." (Levi's work is also, however, a warning against a pitiless world.) Most of us have learned of pity's severe shortcomings from our own, far more mundane experiences. Anyone who has been the object of pity, even if only fleetingly, discovers how it breeds resentment (or worse), for pity creates a top-down relation in which the power of the superior is predicated on the impotence of the inferior, all subsumed under the maddening guise of "goodness." Precisely by sustaining the distance between the privileged and the needy, and by dividing people into subjects and objects, pity can too easily become cruelty rather than its antidote.

Against pity Arendt posed compassion, which seeks to bridge rather than maintain divisions. Again, most of us know, from the intimate stories of our lives, the ways in which compassion is both more encompassing and more specific than pity, how it hints at an I-thou relation rather than a hierarchical one. Compassion does not suggest an absolute equality of experience or of pain, but it does acknowledge the contingency of a shared human condition. (Human precisely, and only, to the extent that it *is* shared.) Compassion says, Though you are suffering now, I had my turn in the past and may again in the future. Compassion says, There is nothing alien about you—not your pain, not your powerlessness, not even your degradation. Compassion says, The differences between us are not essential ones of power, morality, or nature but simply (though crucially) of time, place, and luck. And whereas pity thrives on the victim's weakness, compassion affirms her dignity. Arendt called compassion a kind of "co-suffering," though she added that "it remains, politically speaking, irrelevant."

Above both pity and compassion Arendt placed solidarity which, she rightly noted, is

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not a feeling but a principle through which men and women create an objective "community of interest with the oppressed and exploited." Solidarity! It still has a nobility that inspires; it still maintains the hope that a powerful human connection will sweep away divisions of nation, race, class; it still promises that the deepest wounds of history can be healed. Against fragmentation, it posits unity; against loneliness, brotherhood; against abandonment, support; against weakness, strength. How many demonstrations have we been to, how many posters have we read, how many petitions have we signed, all urging solidarity—or even boldly boasting that it has already been achieved? And yet: We live in the anxious beginnings of the twenty-first century and have witnessed the blasted hopes of the twentieth, and some of us have learned that solidarity is a difficult thing—far harder to attain in imperfect practice than to dictate in glorious rhetoric. What would it mean to create solidarity with Memuna Mansarah? And can Teun Voeten's photograph, or anyone's, help us do so?

The anger I felt upon looking at Memuna places me in good company, or rather a lot of company. Indeed, anger—or perhaps *ressentiment*—seems to be an increasingly common reaction of viewers in the privileged world when looking at victims of war, humanitarian disasters, or poverty. The work of James Nachtwey, who has photographed in virtually every late-twentieth-century hellhole (Rwanda, Bosnia, Chechnya, Sudan), seems to attract this kind of negative attention most viscerally. His 2000 exhibit called "Inferno" became a lightning rod of antipathy for critics even (or especially) from liberal publications such as the *Village Voice* and the *New Yorker*, who seemed vastly irritated to be looking at unpleasant images of starving, mutilated, utterly defeated people. (A critic for the *Voice* posed a strange question: "If we don't send a check to Oxfam after a visit with these ghosts, are we complicit in their terrible lives?") These critics do not like what such photographs show.

But there's another, equally strong critical response to images of atrocity: anger at what photographs *don't* show, cannot show, and will never show. This critical tradition, developed most eloquently by Susan Sontag and John Berger, argues that because photographs lack narratives, they lack meaning—especially political and moral meaning, which is contingent on causation. Therefore, these critics claim, photographs of suffering—by freezing a moment of time, by extracting experience from context, by separating the event from its history—actually depoliticize, desensitize, and perhaps even dehumanize us, though their makers surely strive for the opposite. These critics do not like what such photographs fail to show.

With photographs of suffering children these two critical traditions, these two responses, and these two accusations of insufficiency merge. Because children are vulnerable, blameless—such pure victims—depictions of their suffering have an extraordinarily visceral impact (and should). At the same time, photographs of children are no more "meaningful"—that is, politically or morally resonant—than any others, though they call forth Pavlovian responses of pity and outrage that are simultaneously irresistible and subconscious. Indeed, the disseminators of such photographs often aim for precisely such responses.

Take, for instance, a photograph that was circulated on antiwar leaflets in the lead-up to the U.S. invasion of Iraq last year; it was thrust into my hand, and I assume into thousands of others, more than once on the street in New York. The leaflet showed a photograph of a grotesquely emaciated Iraqi child along with the headline (and I paraphrase), "End the Sanctions Now!"

The clear implication of the photograph combined with the slogan was that sanctions were causing Iraqi children to starve; to oppose ending the sanctions was therefore to support killing children. The problem here is that one could argue that it was not sanctions per se but, rather, Saddam Hussein's theft of the oil-for-food money that had led to starvation among his youngest citizens. Of course, the debate over sanctions could not definitively determine where one stood on the war (though it is possible to argue that the overthrow of Saddam was a pro-child act—especially if, say, the child in question is Kurdish). The point, though, is that the photograph-cum-slogan was designed to stop any thought process, any in-

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ternal debate, any building of an argument within the viewer and to create instead precisely two emotions—revulsion and guilt—that could then be alleviated by precisely one action: opposing the sanctions. I threw this leaflet away in disgust each time I received it.

Photographs of suffering children, then, though they ostensibly appeal to our noblest—that is, our most altruistic and protective—selves, are in fact perfectly suited to the uses of manipulation, vulgar simplification, and propaganda. In this sense they not only depict violence, but are a form of violence—an assault on the viewer's capacity to form considered judgments. And this is so especially in contexts where people have little access to diverse viewpoints, or are illiterate. What is one to make of the fact, for instance, that newspapers and television stations throughout the Arab world frequently, indeed obsessively, display the goriest images of Palestinian and Iraqi children: scalps torn off, mangled limbs streaming blood, bodies writhing in unanswerable agony if not yet dead? This is, I would suggest, not an attempt to foster political understanding, defend the defenseless, or foment political change but their opposite—a lurid, almost neo-Expressionist stirring of enraged but repetitive revenge fantasies that is the antithesis of political maturity, much less empowerment. Like all obsessive iterations, it calls into question what is *not* being said, or asked, or thought about.

In contrast, the Israeli media, which are far freer and more contentious than any in the Arab world, abjure printing or broadcasting explicit photographs of the victims of Palestinian suicide-bombers. Such restraint is not based in neutrality or objectivity, and should not be confused with either delicacy or forgiveness. It derives, rather, from a modern conception of what it means to make politics—of what, that is, it means to solve a man-made problem (even an impossible one) rather than avenge an existential crime. The former requires sober reason and prosaic compromise, which are hard to achieve when staring at dead children; the latter requires unremitting fury and grandiose dreams, which are hard to refuse when staring at dead children.

Yet it is not only the Arab world's media that are partial—all media are. And it is not only photographs of children that are easily manipulative—all photographs are. What to do, then, with these half-life images, these beleaguered fragments of reality, so dreadfully flawed yet so undeniably powerful? One could, perhaps, seek to banish photographs altogether, or banish them from one's immediate world—a Taliban-like approach. But this seems to create more problems than it solves. In its place, every viewer who cares about approaching photographs (and the people in them) as something other than a sponge must devise personal, inevitably inadequate, ways of seeing.

For myself, I try, increasingly though inexpertly, to counteract the inherent limitations of the photograph by envisioning the mirror world, the invisible world, the dialectical twins of each photograph that I see, or at least that I look at carefully. This has nothing to do with the notion that "every story has two sides"—indeed I hope, and expect, that every story has more than two sides (though not necessarily morally equivalent or equally truthful ones). It means, though, that to understand a photograph one must move outside it, entering the realm of the not-seen. On the most immediate level, this means that I imagine the photographs of dead Israeli children I have never viewed when I look at the photographs of dead Palestinian children that I often have. This is not because I am "halving the difference," which would be both grotesque and impossible. It is because these photographs, which is to say the historic conflicts that created them, are inextricably joined: They can be severed only in the image-world, not the real one.

I try, too, to expand the immediacy of the photograph—an immediacy that is the source of its greatest strength and weakness—to encompass the past it can never show but that is somehow always present. Thus, when I see photographs of child-victims of the Iraq War, I think about the immense but often undocumented suffering in the Iraq of the Baath that preceded last year's invasion. (The more horrific the photo, the more difficult though necessary this becomes. Think, for instance, of the widely circulated image of twelve-year-old Ali Ismail Abbas as he lay bandaged in his hospi-

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tal bed, arms blown off by U.S. bombs, a bleak smile—or was it a grimace?—on his face.) Again, this is not an attempt to "balance out" the pre- and postwar scales of misery—how would that be?—but rather to remember that suffering doesn't start when a camera records it, that violence doesn't begin when an "intervention" does, and that history doesn't commence when we notice it.

To see a photograph clearly, then, means to look at what it does not show—at the subterranean world of events, causality, choice, and contingency that preceded, and created, the particular image that has caught one's attention. In looking at Memuna, we need to explore Sierra Leone's backslide into nihilism, which took place in full view of a generally uncaring world for more than a decade. We need to understand how a country turned against itself in a paroxysm of cruelty, abetted by certain nations who had a stake in its implosion and ignored by others who thought they didn't. We need to consider the failure of modernity, of colonialism, and of postcolonial independence too (so much accumulated failure!). We need to probe the complicity of the West in Sierra Leone's self-destruction—and the limits of that complicity. We need to think on the meta-level about sadism and the politics (actually anti-politics) of thanatos, and on a specific level about the British intervention in Sierra Leone and what we, as members of the developed world, can learn from its successes for the future.

To attain such knowledge and even understanding, to forge a political position that is avowed in the present and whose lessons will, one hopes, be used wisely: This is the beginning, however inadequate, of solidarity with Memuna. It falls short, I fear, of Arendt's community, and certainly of Berger's revolution. But it makes the claim that our responsibility toward Memuna, and our connection to her, do not stop at feeling bad, or indeed at feeling; and it is predicated on the belief that we should use, rather than guiltily disown, the implacable fact that we have more power than she.

This solidarity cannot develop within the photograph that we stare at; it depends on the world outside the frame. To understand Memuna's hint of a smile, we must travel far from her in the hope of return—bearing neither justice nor salvation nor the impossible righting of a wrong, yet something more than bewildered pity for her past and her future. ●

Susie Linfield, who writes for the *Los Angeles Times Book Review* and other publications, is the acting director of the Cultural Reporting and Criticism Program at New York University.

To Our Contributors

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The Editors

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NOTEBOOK

The Importance of Norberto Bobbio

Nadia Urbinati

Norberto Bobbio died in January 2004 at the age of ninety-four in Turin, the city in which he was born and spent most of his life. Over the years, his home had become a haven for intellectuals, political leaders, and scholars of several generations. He used to receive his guests at 4 p.m. for approximately two-and-a-half hours of extraordinary conversations about philosophy and politics, Italian politics in particular, Bobbio's main interest (and source of anxiety) since his youth. His life, as one sees from his *Autobiography,* is a historical and political profile of twentieth-century Italy and Europe. This is not merely because of its length but also because of the political events it spanned—from the time when governments were the business of a tiny agrarian-industrial oligarchy, to the age of fascist populism, to the building of constitutional democracy, and finally to the new video-populism and plutocracy. The year Bobbio was born, 1909, FIAT was celebrating its tenth birthday and producing 1,800 cars a year, while the Italian police were on alert against demonstrations by anarchists and socialists protesting the visit of Nicolas II, the Russian czar. In the month he died, European leaders failed to reach an agreement on the constitution of the European Union, the chief of the Italian government, Silvio Berlusconi, was undergoing plastic surgery, and the Constitutional Court had just rebuffed an effort to grant him immunity from all criminal charges pending against him.

A scholar of the philosophy of law and political theory, in his maturity Bobbio taught at the University of Turin and lived on the same street where he was born—a telling detail if one recalls that in the years of his youth the Italian government (liberal and constitutional, not yet fascist) was subsidizing the exodus to the United States of millions of its subjects. The description he provides of his social background matches the black and white picture of Italian predemocratic society: the rich and the poor, the bourgeoisie and the proletariat, lived close to each other like two hostile nations. Bobbio belonged to the former. "From my family I never got the impression that there was class conflict between bourgeois and proletariat. We were educated to think all men equal." Early on, he realized that Italian children were not at all equal, comparing his lifestyle to that of peasant friends with whom he played during summer vacations in the countryside. "The contrast between their homes and ours, their food and ours, their clothes and ours, could not escape us. . . . Every year, we learned that some of our friends had died of tuberculosis during the winter."

It was not with the help of his family that Bobbio developed his hostility toward fascism, social inequality, and injustice. As with other Italians and Europeans of his generation, public school was the place where he began his political education and discovered ideals of emancipation. Turin was not an ordinary city, but the "moral capital" of Italy. There the *Risorgimento* had started in the mid-nineteenth century and then, later on, industry and trade-unionism were born together. The earliest mass demonstrations took place there. In Turin during Bobbio's youth, Antonio Gramsci led the movement for the factory councils, and Piero Gobetti edited the journal *Liberal Revolution (Rivoluzione liberale*), the first Italian attempt to advance a critique of "the liberalism of the few." In the 1930s, finally, Turin hosted the most active Italian branch of the clandestine movement Justice and Freedom (*Giustizia e Libertà*), which Carlo Rosselli had

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founded in Paris in 1930. Bobbio enrolled in Rosselli's liberal socialist movement and became after the war one of its most prominent advocates and interpreters.

Liberal socialism is the most original contribution Italy has made to the culture of the non-Marxist left. Its origins date back to the end of the nineteenth century, during the debates over the doctrinal legacy of the socialist movement; its formulation and militant organization began under Rosselli's leadership in the thirties, in the course of the struggle against both fascism and state planning (Soviet as well as fascist); its most mature development took place in the second half of the forties in the Action Party (*Partito d'Azione*)—a party, as Palmiro Togliatti, chief secretary of the Italian Communist Party, said, that was made up of "generals without an army." The Action Party did not reach the necessary minimum in the first democratic election (1946) and disappeared as a party just when party politics re-emerged in Italy. However, liberal socialism did not depend on the party for its identity and significance. Rather, its ethical and political vision was based on a few clear beliefs: that modern democracy is an ongoing project that can never finally be achieved; that it rests on two equally important principles, liberty and equality; that these two are forever in tension; and that this tension is vital to democratic health. Liberty and equality are not "natural" rights; to live with their tension requires a disenchanted view of human life, but this disenchantment is consistent with democracy. As Bobbio put it, "human beings are not at all born free and equal," but they can become free and equal through their struggle against the specific conditions in which they live. To do this, they must create a political order that allows them to sustain their struggle peacefully.

Different historical and social contexts have shaped the political goals of liberal socialism. Under a despotic and totalitarian regime, basic civil and political liberties are the first and most urgent goal. In consolidated democracies, in the West today, the main ideological enemy is the neoliberal view of liberty as the affirmation of individual interests against society—a view that is either indifferent or openly hostile to social justice and to the ethos of solidarity that underpins democratic citizenship. Liberal socialism is not "beyond left and right." Rather, Bobbio always insisted that the ideological divide is unavoidable; it is the result of oppositional interests that a free market society inevitably promotes. This opposition is reflected in the understanding of liberty. Conservatives stress the liberty of the individual as a primary good, regardless of the circumstances of its actualization and of who and how many actually enjoy it. Leftists think instead that the equal distribution of opportunities to exercise freedom is essential to the success of a democratic society. Thus liberal socialism acknowledges "equal liberty" as the regulative principle that should orient policies and programs in the specific contexts of injustice. It does not recognize any "privileged" exploited class, but warns us that the exploited men and women of today may be tomorrow's exploiters.

This activist and conflict-based understanding of politics is perhaps the most interesting aspect of Bobbio's interpretation of liberal socialism and certainly the one that attracted the post-Marxist generation to which I belong, a generation that could accept neither the doctrinaire official left of the 1960s nor the far left's war against the liberal foundations of democracy in the 1970s. Bobbio resisted giving the ideal of a just society the status of a doctrine and criticized political theorists who create comprehensive systems out of some simple premises. He thought that political ideals had to be pragmatic if they were to generate activism and political dialectic. In this sense, he argued that liberal socialism was an "ideology" or an ideal commitment, not a theoretical system. The distinction between theory and ideology needed to be preserved, he argued, in order to protect the former from the moralizing of the ideologues and the latter from the dogmatism of the theorists. As he wrote in 1967, "It is all well to fantasize about a society at once free and just, in which liberty rights and social rights will be globally and totally implemented. . . . Even if [both liberalism and socialism] claim to make the synthesis . . . what we may expect is not an ultimate synthesis but,

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at most, a compromise—that is, a synthesis indeed, but provisional."

The central place he gave to political action and open debate explains Bobbio's conviction that the insurmountable difference between liberal socialism and Marxist socialism lay in the way each of them conceived of political liberty and minority rights. The question he posed to the intellectuals and leaders of the Italian Communist Party—"Which Socialism?" and "Which Democracy?"—presupposed a conception of democracy that demands the political recognition of minorities. A consistent democracy needs to defend the existence of minorities, not merely to accept or tolerate them. This was the normative premise that Bobbio developed from the tradition of the Enlightenment (within which he situated himself as a philosopher) and that led him to practice throughout his life a politics of dialogue and to oppose a politics of sectarianism. His interlocutors epitomized the stages that Italian and European society passed through after World War II: in the 1950s, his dialogue was with Italian Communists on the meaning of liberty; in the 1960s and 1970s, with the leaders of the student movement on the meaning of democracy and participation; finally, most recently, with the neoliberal ideologues of the New Right on the meaning of individual liberty and equality. The ethos of dialogue and his profound antipathy toward dogmatic forms of political discourse are, along with liberal socialism, the most timely legacy that Bobbio has left to the democratic leftists of our time. The fact that he lived such an extraordinarily long life makes it the legacy of an entire century. ●

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Howard Zinn's History Lessons

Michael Kazin

Every work of history, according to Howard Zinn, is a political document. He titled his thick survey "A People's History" (*A People's History of the United States, 1492-Present* [Perennial Classics, 2003]) so that no potential reader would wonder about his own point of view: "With all its limitations, it is a history disrespectful of governments and respectful of people's movements of resistance."

That judgment, Zinn proudly announces, sets his book apart from nearly every other account of their past that most Americans are likely to read. "The mountain of history books under which we all stand leans so heavily in the other direction—so tremblingly respectful of states and statesmen and so disrespectful, by inattention, to people's movements—that we need some counterforce to avoid being crushed into submission."

His message has certainly been heard. *A People's History* may well be the most popular work of history an American leftist has ever written. First published in 1980, it has gone through five editions and multiple printings, been assigned in thousands of college courses, sold more than a million copies, and made the author something of a celebrity—although one who appears to lack the egomaniacal trappings of the breed. Matt Damon, playing a working-class *wunderkind* in the 1997 movie *Good Will Hunting*, quoted from Zinn's book to show up an arrogant Harvard boy (and impress a Harvard girl). Damon and his buddy Ben Affleck then signed with Fox to produce a ten-hour miniseries based on the book, before Rupert Murdoch's minions backed out of the deal.

But Zinn's big book is quite unworthy of such fame and influence. *A People's History* is bad history, albeit gilded with virtuous intentions. Zinn reduces the past to a Manichean fable and makes no serious attempt to address the biggest question a leftist can ask about U.S. history: why have most Americans accepted the legitimacy of the capitalist republic in which they live?

His failure is grounded in a premise better suited to a conspiracy-monger's Web site than to a work of scholarship. According to Zinn, "99 percent" of Americans share a "commonality" that is profoundly at odds with the interests of their rulers. And knowledge of that awesome fact is "exactly what the governments of the United States, and the wealthy elite allied to them—from the Founding Fathers to now—have tried their best to prevent."

History for Zinn is thus a painful narrative about ordinary folks who keep struggling to achieve equality, democracy, and a tolerant society, yet somehow are always defeated by a tiny band of rulers whose wiles match their greed. He describes the American Revolution as a clever device to defeat "potential rebellions and create a consensus of popular support for the rule of a new, privileged leadership." His Civil War was another elaborate confidence game. Soldiers who fought to preserve the Union got duped by "an aura of moral crusade" against slavery that "worked effectively to dim class resentments against the rich and powerful, and turn much of the anger against 'the enemy.'"

Nothing of consequence, in his view, changed during the industrial era, notwithstanding the growth of cities, railroads, and mass communications. Zinn views the tens of millions of Europeans and Asians who crossed oceans at the turn of the past century as little more than a mass of surplus labor. He details their miserable jobs in factories and mines and their desperate, often violent strikes at the end

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of the nineteenth century—most of which failed. The doleful narrative makes one wonder why anyone but the wealthy came to the United States at all and, after working for a spell, why anyone wished to stay.

Zinn does reveal a few moments of democratic glory—occasions when "the people," or at least a politically conscious fraction of them, temporarily broke through the elite's thick web of lies and coercion. Agrarian rebels formed cooperatives, allied with radical unionists, and charted their own financial system, the subtreasury, which they hoped would break the grip of heartless bankers. But, alas, the Populists were seduced in 1896 by William Jennings Bryan, who sold out their movement to the retrograde Democratic Party. During the Great Depression, wage earners across the industrial Midwest staged heroic sit-down strikes that demonstrated their ability to shut down the economy. But, for unexplained reasons, these working-class heroes allowed CIO unions and the New Deal state to smother their discontent within long-term contracts and bureaucratic procedures. Similarly, the civil rights movement toppled the Southern citadel of Jim Crow without taking on the capitalist system that kept the black masses mired in poverty.

This is history as cynicism. Zinn omits the real choices our left ancestors faced and the true pathos, and drama, of their decisions. In fact, most Populists cheered Bryan and voted for him because he shared their enemies and their vision of a producers' republic. Unlike Zinn, they grasped the dilemma of third parties in the American electoral system, which Richard Hofstadter likened to honeybees, "once they have stung, they die." And to bewail the fact that liberal Democrats saw an advantage to supporting rights for unions and minorities is a stunning feat of historical naiveté. Short of revolution, a strategic alliance with one element of "the Establishment" is the only way social movements ever make lasting changes in law and public policy.

Zinn's conception of American elites is akin to the medieval church's image of the Devil. For him, a governing class is motivated solely by its appetite for riches and power—and by its fear of losing them. Numerous historians may regard George Washington, Thomas Jefferson, James Madison, and Alexander Hamilton as astute, if seriously flawed, men who erected a structure for the new nation that has endured for over two centuries. But Zinn curtly dismisses them as "leaders of the new aristocracy" and regards the nation-state itself as a cunning device to lull ordinary folks with "the fanfare of patriotism and unity."

Such phrases may hint of Marxism, but the old Rhinelander never took so static or simplistic a view of history. Zinn's ruling elite is a transhistorical entity, a virtual monolith; neither its interests nor its ideology change markedly from the days when its members owned slaves and wore knee-britches to the era of the Internet and Armani. Zinn thus sees nothing unusual in the election of Ronald Reagan in 1980. It simply "meant that another part of the Establishment," albeit "more crass" than its immediate antecedents, was now in charge.

The ironic effect of such portraits of rulers is to rob "the people" of cultural richness and variety, characteristics that might gain the respect and not just the sympathy of contemporary readers. For Zinn, ordinary Americans seem to live only to fight the rich and haughty and, inevitably, to be fooled by them. They are like bobble-head dolls in work-shirts and overalls—ever sanguine about fighting the powers-that-be, always about to fall on their earnest faces. Zinn takes no notice of immigrants who built businesses and churches and craft unions, of women who backed both suffrage and temperance on maternalist grounds, of black Americans who merged the community-building gospel of Booker T. Washington and the militancy of W.E.B. Du Bois, or of wage-earners who took pleasure in the new cars and new houses those awful long-term contracts enabled them to buy.

From the 1960s onward, scholars, most of whom lean leftward, have patiently and empathetically illuminated such topics—and explained how progressive movements succeeded as well as why they fell short of their goals. But Zinn cares only about winners and losers in a class conflict most Americans didn't even know they were fighting. Like most propagandists, he measures individuals according to his own rigid standard of how they should

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have thought and acted. Thus, he depicts John Brown as an unblemished martyr but sees Abraham Lincoln as nothing more than a cautious politician who left slavery alone as long as possible. To explain why the latter's election in 1860 convinced most slaveowners to back secession, Zinn falls back on the old saw, beloved by economic determinists, that the Civil War was "not a clash of peoples . . . but of elites," Southern planters vs. Northern industrialists. Pity the slaves and their abolitionist allies; in their ignorance, they viewed it as a war of liberation and wept when Lincoln was murdered.

To borrow a phrase from the British historian John Saville, Zinn expects the past to do its duty. He has been active on the left since his youth in the 1930s. During the 1960s, he fought for civil rights and against the war in Vietnam and wrote fine books that sprang directly from those experiences. But to make sense of a nation's entire history, an author has to explain the weight and meaning of worldviews that are not his own and that, as an engaged citizen, he does not favor. Zinn has no taste for such disagreeable tasks.

The fact that his text barely mentions either conservatism or Christianity is telling. The former is nothing but an excuse to grind the poor ("conservatism" itself doesn't even appear in the index), while religion gets a brief mention during Anne Hutchinson's rebellion against the Puritan fathers and then vanishes from the next 370 years of history.

Given his approach to history, Zinn's angry pages about the global reach of U.S. power are about as surprising as his support for Ralph Nader in 2000. Of course, President William McKinley decided to go to war with Spain at "the urging of the business community." Zinn ignores the scholarly verdict that most Americans from all classes and races backed the cause of "*Cuba Libre*"—but not the later decisions to vassalize the Caribbean island and colonize the Philippines. Of course, as an imperial bully, the United States had no right, in World War II, "to step forward as a defender of helpless countries." Zinn thins the meaning of the biggest war in history down to its meanest components: profits for military industries, racism toward the Japanese, and the senseless destruction of enemy cities—from Dresden to Hiroshima. His chapter on that conflict does ring with a special passion; Zinn served as a bombardier in the European theater, and the experience made him a lifelong pacifist. But the idea that Franklin Roosevelt and his aides were motivated both by realpolitik *and* by an abhorrence of fascism seems not to occur to him.

The latest edition of the book includes a few paragraphs about the attacks of September 11, and they demonstrate how poorly Zinn's view of the past equips him to analyze the present. "It was an unprecedented assault against enormous symbols of American wealth and power," he writes. The nineteen hijackers "were willing to die in order to deliver a deadly blow against what they clearly saw as their enemy, a superpower that had thought itself invulnerable." Zinn then quickly moves on to condemn the United States for killing innocent people in Afghanistan.

Is this an example of how to express the "commonality" of the great majority of U.S. citizens, who believed that the gruesome strike against America's evil empire was aimed at them? Zinn's flat, dualistic view of how U.S. power has been used throughout history omits what is obvious to the most casual observer: al-Qaeda's religious fanaticism and the potential danger it poses to anyone that Osama bin Laden and his disciples deem an enemy of Islam. Surely one can hate imperialism without ignoring the odiousness of killers who mouth the same sentiment.

Not everything in *A People's History* is so obtuse and dogmatic. Zinn punctuates his narrative with hundreds of quotes from slaves and Populists, anonymous wage-earners and such articulate radicals as Eugene V. Debs, Du Bois, Charlotte Perkins Gilman, Stokely Carmichael, and Helen Keller. These supply texture and eloquence absent from the author's own predictable renderings. It's satisfying to know that a million readers have encountered the words Debs spoke upon being sentenced to jail for opposing the First World War:

> Your honor, years ago I recognized my kinship with all living beings, and I made up my mind

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> that I was not one bit better than the meanest on earth. I said then, and I say now, that while there is a lower class, I am in it; while there is a criminal element, I am of it; while there is a soul in prison, I am not free.

Zinn also fills several pages with excerpts from poems by Langston Hughes and Countee Cullen and from the autobiography of Richard Wright. But the richness of these lines doesn't mitigate the poverty of his interpretations. Rage at injustice does not explain why that injustice occurs.

POINTING OUT what's wrong with Zinn's passionate tome is not difficult for anyone with a smattering of knowledge about the American past. By why has this polemic disguised as history attracted so many enthusiastic readers?

For the majority of reviewers on Amazon.com (381, as of February 2004), *A People's History* has the force and authority of revelation. "Zinn single-handedly initiated a Copernican revolution in historicism," writes "eco-william" from Oregon. Others rave about his "compassion and eye for detail" and proclaim the survey "a top contender for greatest book ever written." Zinn's admirers have a quick retort to conservatives who claim his work is "biased." Writes "culov" from Anaheim: "The book is purposely meant to be biased. It tells the story of American history from the point of view of 'the losers' because we all know that the winners write history. If you want something written from George Washington's point of view, go buy a textbook . . . those are as biased as possible."

The unqualified directness of Zinn's prose clearly appeals to his readers. Unlike scholars who aspire to add one or two new bricks to an edifice that has been under construction for decades or even centuries, he brings dynamite to the job. "To understand," wrote Frederick Douglass, "one must stand under." Although Zinn doesn't quote that axiom, the sensibility appears on every page of his book. His fans can supply the corollary themselves: only the utterly contemptible stand on top.

Many radicals and some liberals clearly want to hear this moral stated and re-stated. Even Eric Foner, whose splendid scholarship delivers no such easy lessons, praised Zinn's book in the *New York Times* as "a coherent new version of American history." *The Story of American Freedom*, Foner's own 1996 attempt to write a survey for non-academic readers, is far more scrupulous—and far less popular.

Zinn fills a need shaped by our recent past. The years since 1980 have not been good ones for the American left. Three Republicans and one centrist Democrat occupied the White House; conservatives captured both houses of Congress; the phantom hope of state socialism vanished almost overnight; and progressive movements spent most of their time struggling to preserve earlier gains instead of daring to envision and fight for new ideas and programs.

In the face of such unrelenting grimness, *A People's History* offers a certain consolation. "The American system is the most ingenious system of control in world history," writes Zinn. It uses wealth to "turn those in the 99 percent against one another" and employs war, patriotism, and the National Guard to "absorb and divert" the occasional rebellion. So "the people" can never really win, unless and until they make a revolution. But they *can* comprehend the evil of this four-hundred-year-old order, and that knowledge will, to an extent, set them free.

Thus, a narrative about demonic elites becomes an apology for political failure. By Zinn's account, the modern left made no errors of judgment, rhetoric, or strategy. He never mentions the Communist Party's lockstep praise of Stalin or the New Left's fantasy of guerrilla warfare. Radical activists simply failed to muster enough clear-eyed troops to pierce through the enemy's mighty, sophisticated defenses.

Perhaps the greatest flaw of his book is that Zinn encourages readers to view so formidable a force as just a pack of lying bullies. He refuses to acknowledge that when they speak about their ideals, those who hold national power usually mean what they say. If FDR lied to Americans about the threat posed by Japanese-Americans during World War II, why should anyone believe his prattle about the Four Freedoms? So there's no point in debating conservatives who prescribe libertarian economics, Victorian moral values, and preemptive interventions for what ails the United States and the world. All right-wingers really

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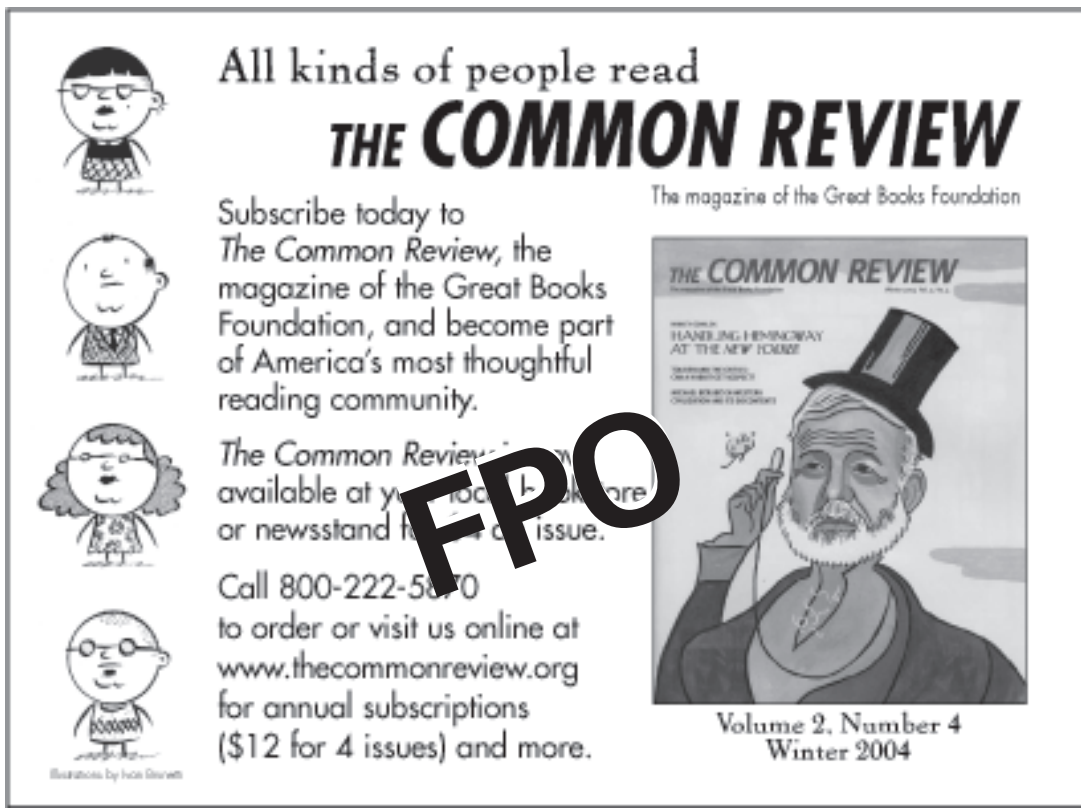
care about is keeping all the resources and power for themselves.

This cynical myopia afflicts an alarming number of people on the left today. The gloom of defeat tends to obscure the landscape of real politics, which has always witnessed a clash of ideologies as well as interests, persuasion as well as buy-offs and sellouts. Zinn fiercely details the outrages committed by America's rulers at home and abroad. But he makes no serious attempt to examine why these rulers kept getting elected, or how economic and social reform improved the lives of millions even if they sapped whatever mass appetite existed for radical change.

No work of history can substitute for a social movement. Yet intelligent, sober studies can make sense of how changing structures of power and ideas provide openings for challenges from below, while also shifting the basis on which a reigning order claims legitimacy for itself. These qualities mark the work of such influential (and widely read) historians on the left as Eric Hobsbawm, E.P. Thompson, Gerda Lerner, C.L.R. James, and the erstwhile populist C. Vann Woodward. Reading their work makes one wiser about the obstacles to change as well as encouraged about the capacity of ordinary men and women to achieve a degree of independence and happiness, even within unjust societies. In contrast, Howard Zinn is an evangelist of little imagination for whom history is one long chain of stark moral dualities. His fatalistic vision can only keep the left just where it is: on the margins of American political life. ●

MICHAEL KAZIN's latest book, co-authored with Maurice Isserman, is *America Divided: The Civil War of the 1960s*.



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Bi-coastal Myths

Nicholas Howe

WHERE I WAS FROM
by Joan Didion
Alfred A. Knopf, 2003
vii + 226 pp $23 cloth

THE COLOSSUS OF NEW YORK: A CITY IN THIRTEEN PARTS
by Colson Whitehead
Doubleday, 2003
xii + 158 pp $19.95 cloth

IT WOULD BE HARD to imagine two more different and yet more oddly complementary books about native places than *Where I Was From* and *The Colossus of New York*: the first by an esteemed veteran—rural Californian by birth, white, female, a stylist of elegiac precision—and the other by a much-heralded newcomer—an urban New Yorker by birth, black, male, a virtuoso of celebratory riffs. Their titles are true to their books. Didion evokes her mythic childhood paradise of old California only to renounce it; Whitehead alludes to the legendary statue bestriding the harbor at Rhodes in the Mediterranean so that he can depict New York City as a wonder of the modern world.

Where I Was From is a mournful threnody, measuring to the final cost the waste and destruction caused by the edenic myths of California that have defined it throughout its existence and that shaped Didion as a writer early in her career. *The Colossus of New York* is skeptical celebration, moving through New York in thirteen parts as Whitehead catches the voices of the city in all of their variations and registers. Didion summons a tone of faded elegance to write about the world she has lost; Whitehead seems at times to be channeling Walt Whitman as he catalogues the city. Sometimes all that sustains each book is its author's voice. Didion's burden of betrayal and loss would become tedious, and Whitehead's exuberance would seem unearned, if either were a less gifted writer.

For all of these differences—and there are certainly more than I have suggested in this quick sketch—there is also an implicit conversation going on between *Where I Was From* and *The Colossus of New York*. The topic of this conversation, to be blunter and less evocative than either Didion or Whitehead would be, is how the politics of a place get shaped by the myths of its people. When, as here, the places in question have defined this country for at least several generations, then that conversation matters. The necessary qualification to make from the start, though, is that both Didion and Whitehead are ambivalent about these myths of place. Didion destroys any nostalgia a reader might have for the California where she was from, even the nostalgia of those who know the place only through her writing. Whitehead is far too cool, far too downtown, to have any interest in "I Love New York" T-shirts, Frank Sinatra singing "New York, New York" or grandiose, self-congratulatory memorial designs for Ground Zero. Each keeps some distance from the place, but neither can stop writing about it.

Didion remembers a California settled by those who trekked across the Sierra Nevada in the 1840s for gold; it is the home of endless possibility, the state where you could be poor for the moment but were never condemned to a life of poverty, a place that then grew fat and corrupt on rugged American individualism. Paradoxically, as she shows, all of these stories about the place were underwritten first by vast government subsidies for railroads and agricultural water-projects and then by contracts to the defense and aerospace industries. As gov-

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ernment spending was slashed in the 1990s, and the dot.com boom went bust, California fell victim to its own myths. And to a huge budget deficit that Californians did not want solved by an unheroic bean-counter like Grey Davis. Didion wrote her book before the recall of Davis as governor and the election of Arnold Schwarzenegger, but she predicts it in all but words. The Terminator won because he embodied, complete with his immigrant story, the founding myth of the place as packaged by the Hollywood dream factory. In *Where I Was From*, Didion plotted the script for his victory.

Believe in them or laugh at them, there is something undeniably big about California's myths: they come from and were meant to match an outsized state. Whitehead's myths about New York are less brash, more modest, and better calculated to help one survive the city. The fact about New York that Whitehead loves is the city's ability to attract the young and the talented: a few make it, many just survive, and not a few head home. But for all of them, it becomes the defining experience of their lives. That's why *The Colossus of New York* opens with a section on the major bus terminal, "The Port Authority," and ends with one on the major airport, "JFK." Transportation matters in this version of New York because it is a city of mobility; there is no past to the place, and everyone makes the city over in the image he or she wants. For Whitehead, you become a New Yorker regardless of your origin the first time you remember from your own experience that whatever is in place now was something else before: "No matter how long you have been here, you are a New Yorker the first time you say, That used to be Munsey's, or That used to be the Tic Toc Lounge." To be a New Yorker then is to register the impermanence of the city within your own experience: all that is certain is that it will change and thus you cannot remain fixed in a past or passing vision of the place. There are no edenic myths of New York or, more likely, those that surface are not to be trusted: "Never listen to what people tell you about old New York, because if you didn't witness it, it is not a part of your New York and might as well be Jersey."

Reading Whitehead means enjoying the quick take, the telling phrase, the wisecrack that reveals his love of New York City. He does not offer a mindless celebration, a chamber of commerce press release, but instead a catalogue of the treasures he has found by moving through the city. Movement defines Whitehead's New York, the constant searching for the new club in an undiscovered area, the wandering across neighborhoods, the coming from elsewhere, the return to elsewhere. He might have called his book *Where I Move Through*, though he is not the pretentious *flâneur* celebrated in so much recent po-mo writing. Two of the best sections of *The Colossus of New York* are accordingly "Subway" and "Broadway." His account of the subway sometimes verges on the literary, as in its too knowing allusions to Dante, but perhaps that is Whitehead's counterweight to the grimness of the subway he remembers from his childhood: "My first city memory is of looking out a subway window as the train erupted from the tunnel on the way to 125th Street and palsied up onto the elevated tracks. It's the early seventies, so everything is filthy. Which means everything is still filthy, because that is my city and I'm sticking to it." There is nothing of the official guidebook to *The Colossus of New York*, and it is all the better for that kind of personal edge. If you don't like one of its sections, he seems to say, move on to the next one and don't worry about narrative continuity or interpretive consistency.

The heart of the book is "Broadway," just as that street is a main arterial of the city. Whitehead writes of his walk along Broadway as an annual pilgrimage, a kind of pedestrian reconnection with the soul of New York. The topography of the street registers his psyche: "Pavement that remembers a night best forgotten. Potholes that remind you of sunken places in your spirit." This tour through the city has nothing to do with famous buildings, tourist attractions, souvenir shops. What Whitehead sees are people, and this also links him with Whitman, the encyclopedist of urban character types. A few of his sentences will make the point: "Shop in stores for things, shop on streets for people."; "Not famous, merely famous-looking, but he really works it."; "People on cell

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phones realize they were cut off blocks ago and wonder if they have the courage to repeat their words." Each is a quick take on the passing population, kept sharp and never made banal by too much explanation or development. Keep looking, his prose seems to say, because if you spend too much time on what's just passed you'll miss the next character coming down Broadway.

Do all of these quick sketches, these notations made on the move, add up to anything? Is *The Colossus of New York* just a series of clever lines without a narrative or a larger vision of the city? At times, one senses that Whitehead could go on for pages with yet more of his fast impressions, his relentless walking commentary. There is, however, a point to all of these individual observations: "No more strolling, he must stop, because Broadway only gives this once a year, and grudgingly. … Broadway is generous and knows that if it did not dollop out, it would be dried up. These occasional gifts cost nothing. Terrible and generous." Those two final adjectives make clear that all of Whitehead's observations are bound together in a sense of the place: "terrible and generous" seem to me as precisely earned as anything ever said about New York. Believe in one at the expense of ignoring the other, and you will be doomed in the city; believe in both in roughly equal measures over a lifetime and you will understand why New York is a colossus.

Part of what it means to be a colossus is that there be a range of styles and voices to the place. Whitehead mimics many of them, sometimes more as virtuoso performance than anything else. But more often, he gets the voices right, as here in a passage where the tough-guy opening gives way to a Whitmanesque tenderness that wins the reader's heart: "Listen up because I'm only going to say this once: We need all our monuments, no matter what size, carved stone or mortal clay. Do not doubt you inspire with every breath, that every breath is a marvel of engineering." Beneath all of the urban cool, the skeptical eye searches the streets most eagerly for reasons to fall in love with the city again.

If Whitehead's walking through the city seems simple restlessness, continual motion in search of something else to see or do, it can also be read as a commentary on the idea of mobility. Those who arrive by bus at the Port Authority, those who ride the subways, those who walk the great streets, all of them are also searching for the American dream of the city as a place of change where no one need be fixed for life by the facts of his or her birth. Whitehead's politics are never explicitly ideological and they rarely register the daily facts of elections and governments. But they are powerfully democratic in suggesting that the city is above all else the place that can erase racial, social, and economic distinctions. Whitehead never quite puts the matter as I do here, but his egalitarian embrace of everyone walking down Broadway seems deeply hopeful at a time of power-broker mayors like Rudy Giuliani and Michael Bloomberg.

DIDION, BY CONTRAST, writes *Where I Was From* with disillusion, if not heartbreak. It is partly, as she acknowledges, the heartbreak of becoming an orphan after her mother's death in the 1990s, of feeling that the last sustaining tie she had with the place had been cut by death. It is also the heartbreak of the native Californian who even as an eighth-grader dreamed of leaving the Sacramento Valley so she could attend Bennington College and then have a life in the New York theater. And it is also the heartbreak of the writer who spent much of her young adult life in New York, then moved west to Los Angeles, and finally returned to settle permanently (it would seem) in New York. Dislocation is hard on the heart, but it is also clear that Didion has never been far from California in her mind: "Yet California has remained in some way impenetrable to me, a wearying enigma, as it has to many of us who are from there. We worry it, correct and revise it, try and fail to define our relationship to it and its relationship to the rest of the country. We make declamatory breaks with it, as Josiah Royce did when he left Berkeley for Harvard." Reading these sentences, one wonders if the past tense verb "was" in her title shouldn't be changed to the present tense because her own "declamatory break" with California seems unlikely ever to be complete.

Didion has the novelist's feel for the right anecdote or memory to characterize the world she was from. As a teenager, she heard the word

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"class" and wondered what it meant for her family. Her mother answered her question by saying, "It's not a word we use. It's not the way we think." These two sentences speak of a worldview that belongs to those who need not think about class because they do not feel its injuries, hidden or otherwise. And that sense of distance from the realities of lived experience is, in Didion's portrayal, part of the world she knew as a child: "so hermetic, so isolated by geography and by history and also by inclination." It hardly surprises the reader, then, that Didion should report her mother's observation to her as they drove from Monterey to Berkeley in 1992: "California had become, she said then, 'all San Jose.' " To which one can only add, the late Mrs. Didion had finally seen through the myth of the place.

As has Didion herself. In this contrapuntally organized book, more a series of sketches resting uneasily against each other than a worked-out argument, Didion mixes personal memoir, family history, political analysis, and solid journalism to see through this same myth: "This extreme reliance of California on federal money, so seemingly at odds with the emphasis on unfettered individualism that constitutes the local core belief, was a pattern set early on, and derived in part from the very individualism it would seem to belie." The sadness of *Where I Was From*, then, is not entirely the writer's dismay at a state betrayed by its own "core belief"; there is also a sense of regret that she took it in as part of her own birthright. A parent dies and we lose the place where we were raised, whether we have moved away from it or not.

This note of daughterly regret is muted throughout Didion's book or, perhaps more accurately, is sounded more objectively through a series of journalistic reports on what went wrong with the California dream, especially the boom economy of aerospace and defense Los Angeles. For Didion, these industries were not simply economic engines; they were also guilds of skilled craftspeople that were "the last of the medieval hand workers." There is a certain idealization here, no doubt, about such workers, but it helps to explain Didion's underlying claim that what went wrong in Southern California was not simply the loss of very well-paying jobs. It also meant the end of a way of life in which aerospace workers were not assembly-line robots but individual artisans who belonged to a community. When these plants closed, there was one less reason to migrate to California and one less reason to say that one was from California.

Didion pursues this sense of a lost Eden in some of the best sections of the book: her report of high-school violence and the Spur Posse in the suburban town of Lakewood; her portrait of the strip-mall suburbanization of formerly agricultural regions around Fresno; and her very angry account of the power exercised in the state legislature by the California Correctional Peace Officers Association. Here we see the same skill in shaping a piece of reportage that made Didion famous with *The White Album*. The difference between her early journalism with its wonder at the origins of California and the current book with its disillusionment can be dated accurately enough to 1995. That was the first year in its history that California spent more on its prisons, she tells us, than on its universities. That was the first year, in other words, when that sense of the future and its possibilities that had marked the state from its birth gave way to the facts of incarceration, of being at the end of things.

THERE IS PERHAPS too much of that sense of being at the end of things in *Where I Was From*. The disillusionment with the place that drives the book is as extreme as the enchantment the place had for her when she was younger. She writes, "There is no real way to deal with everything we lose." The sentiment is true enough about parents, friends, childhood memories of place, but it can also blind one to all that is gained by others in the course of one's own loss. One need not be a wide-eyed optimist to note that her account of early twenty-first-century California would be very different if it for a moment noticed the new communities of Asian immigrants who are making lives for themselves without the myths Didion inherited from her ancestors. Sometimes, places can survive their own stories. There is finally something too distanced, too renunciatory about Didion's book: rejecting where you are from means having to say where

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you are now, and that never happens here. In her jacket photo, Didion stands indoors and looks at the camera from behind big sunglasses. She looks like someone who has seen more than she can bear and who now wants to be from nowhere.

To be from somewhere means that one can still be hurt by the place. Didion knows that better than does Whitehead, at least at the level of personal experience. Yet Whitehead remembers better that a place is not entirely congruent with one's own experience in it or with one's memories of it. There is something larger about a New York City or a California than there can be in any one writer's version of it. The value of personal, idiosyncratic books about places—like *The Colossus of New York* and *Where I Was From*—is not in offering an objective, synthesizing portrait of somewhere but rather in illuminating how myths or core beliefs or stories matter to the politics and history of the place. ●

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Nowhere Woman

Zelda Bronstein

Global Woman : Nannies, Maids, and Sex Workers in the New Economy
edited by Arlie Russell Hochschild and Barbara Ehrenreich
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The most lurid news story to come out of Berkeley, California, in the past few years was the tale of two teenage sisters brought to town from their home in rural India by a wealthy, middle-aged Berkeley landlord, also of Indian origin, to provide him with cheap labor and forced sex. The story broke on Thanksgiving Day, 1999, after the girls had fallen unconscious from accidental carbon monoxide poisoning in one of the landlord's apartments. The younger sister, aged fifteen, survived. Her seventeen-year-old sibling died. "If it can happen here," said American Civil Liberties Union staff attorney Jayashri Srikantiah, "it can happen anywhere."

In fact, it is happening everywhere. Not just sex slavery, but the larger phenomenon that sex slavery exemplifies in the extreme: activities formerly undertaken by first world women in their homes for free—keeping house, caring for dependents, having sex with a man—are increasingly being performed by third world women for a price, with unsettling effects on both servants and those they serve. This change, profound and vast, involves tens of millions of people. Yet it has remained largely hidden from the public, reported only intermittently by the mainstream media, and then usually as a horror story such as the one sketched above, in which third world female migrants appear as isolated victims.

Telling the real story in the name of feminist solidarity is the stated aim of *Global Woman: Nannies, Maids, and Sex Workers in the New Economy*, a collection of sixteen essays by fifteen authors, including the volume's editors, Barbara Ehrenreich and Arlie Russell Hochschild. The "essential first step," say the editors in their Introduction, is "to bring the world's most invisible women into the light" and to show that they are "strivers as well as victims, wives and mothers as well as workers—sisters, in other words, with whom we in the First World may someday define a common agenda." The way to make that demonstration, say Ehrenreich and Hochschild, is to

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approach third world female migrants as participants in "the new economy," a.k.a. globalization.

Such an approach further challenges popular perception. The women featured in advertisements for the new economy, familiar to American television viewers and magazine readers, are neither nannies nor maids, and certainly not "sex workers," but stylish executives wielding credit cards and cell phones as they take in the view from a luxury hotel room or run to catch a plane or taxi. In the very different reality disclosed in this book, globalization also involves the movement of a much larger and humbler set of female travelers, the estimated sixty million women who currently make up half the world's migrants. The members of this huge group traverse four major routes: Central and South America to the United States and Canada, the former Soviet bloc to Western Europe, Southeast Asia to the Middle and Far East, and Africa to Europe.

Besides their prodigious geographic mobility, what qualifies third world female migrants as participants in the new global economy are their résumés. Female migration and wage labor, including domestic service and prostitution, have been around for ages. What's truly new about the new economy is its scope—the unprecedented spread of for-profit exchange and the cash nexus into human affairs—and the speed at which this monetized system expands and operates. The careers of third world migrant women bear manifold witness to this incursion. Most female migrants to the first world find employment as maids or domestics. The need for their services is largely occasioned by the fact that those who formerly did the work for free, their first world female employers, have themselves moved into the full-time labor market. Widely associated with the rise of second wave feminism, the wholesale entry of western women into the paid workforce that began in the 1970s should also be seen as an aspect of the new global economy.

In the wake of women's departure for paid work, an insufficient number of volunteers have taken up the unpaid domestic tasks that require personal attention to either things (cleaning the house, doing the laundry, preparing meals) or people (looking after those who cannot look after themselves—children, the sick, the disabled, the elderly). In particular, fathers and husbands have not shouldered their share of the burden. The result is, in Hochschild's phrase, a gaping "care deficit."

Americans are painfully aware of this deficit's grievous effects on their own lives. Few realize that the same shortfall afflicts many third world domestics and their families. Numerous female migrants are single mothers whose children's fathers are of little or no help in raising their offspring. Migrant women thus confront the same child care issues as do their first world counterparts, with the difficulties exacerbated by separations spanning hundreds or thousands of miles and lasting months or years.

Global Woman aims to show, however, that third world female migrants not only face the same situation as their first world sisters but face it in the same manner: with determination ("as strivers") and with a strong commitment to family ("as mothers and wives"). For some women, migration does offer a way out of a bad marriage or other undesired personal relationships. But the accounts here indicate that migrant mothers' lengthy removals usually signify exceptional dedication, above all to their children. Migrant women typically send home "anywhere from half to nearly all of what they earn," a figure that is all the more impressive given the meagerness of their wages. To cite just one eye-opening example: "Care," writes Rhacel Salazar Parreñas, "is now the [Philippines'] primary export. Remittances—mostly from migrant domestic workers—constitute the economy's largest source of foreign currency, totaling almost $7 billion in 1999."

Often the major if not the sole source of their family's financial support, migrant women can earn significantly more as a maid or a nanny in the first world than in any occupation available to them in their third world homes. That's true even of the professionals among them. In yet another challenge to prevailing stereotypes, Ehrenreich and Hochschild emphasize that an increasing number of migrant females "do not come from the poorest classes of their societies." Nowadays, for example, most of the Mexican-born maids in the

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United States have graduated from high school and worked in retail, clerical, or professional positions before leaving Mexico. What draws them across the border to the north is the substantially higher pay than they can get for more prestigious jobs in their own country.

It takes courage to choose to leave home to seek work in a strange place. It takes discipline to save what you earn. And it takes resilience to do the work that most third world women do in the first world. Cooking, cleaning house, and looking after children are physically demanding under any conditions. Many mothers and wives who do these tasks for free find them tedious at best. For the migrant women who now do them for pay, these assignments are frequently made more burdensome by long and unpredictable hours, low wages, a lack of health benefits, and chronic job insecurity (domestics are commonly fired without notice). Those who are employed by one of the corporate cleaning services, reports Ehrenreich in her essay on housework, are subjected to "punishing," Taylorized regimens. Most vulnerable of all are live-in servants, isolated in their employers' homes. In the worst-case scenarios, migrant nannies and maids experience physical or sexual abuse, instances of which Joy Zarembka recounts in hair-raising detail.

Such inequities are familiar to those who labor in private, unregulated settings. Contributors to *Global Woman* point out, however, that maids and nannies also grapple with a difficulty that is specific to domestic service: the emotional strains inherent in "the peculiar intimacy of the employer-employee relationship," as Ehrenreich puts it. Nicole Constable tells how Hong Kong employers use the fiction of family relation to sugar-coat the inordinate demands they place on their live-in Filipina servants. Other contributors describe the genuine affection that frequently springs up between paid caregivers and their charges; the guilt that nannies and other professional attendants feel about bestowing on strangers the tenderness that they are unable to extend to their own, faraway loved ones; and the heartbreak that often follows a sudden dismissal from a household.

And however fortunate a migrant worker's situation, she still has to cope with the first world's general disdain for domestic work. If she's lucky, her employers are people who treat servants with respect. Even so, she's liable to encounter snobbery, often alloyed with racism, in the society at large. Ehrenreich cites the black poet Audre Lorde: "I wheel my two-year-old daughter in a shopping cart through a supermarket . . . and a little white girl riding past in her mother's cart calls out excitedly, 'Oh look, Mommy, a baby maid.'"

After reading *Global Woman*, it's hard for one to see the third world female migrants in our midst as victimized drudges or, worse yet, not to see them at all. In this respect, the book achieves half of its admirable goal. As envisioned by its editors, however, *Global Woman* would not only illuminate the truth of migrant females' lives, but through such illuminations, enable first world feminists to perceive these women as sisters with whom they could make common cause. Instead, these writings expose contemporary feminism's difficulties in bridging the oppositions that now divide the rich and the poor women of the earth. The essays here leave the impression that second wave feminists are deeply invested in prevailing economic and social arrangements, to the extent that even when they discern the injustice of those arrangements, they cannot bring themselves to demand, much less to undertake, their overhaul.

The arrangements I have in mind are those of wage labor. It's above all migrant females' participation in the paid workforce that renders them plausible candidates for inclusion in contemporary sisterhood. Today many feminists often equate personal empowerment with the ability to draw a paycheck. The appeal of paid work extends beyond the freedom that comes with having money of one's own, or, better yet, the ability to pay one's own way. There's also the latitude afforded by what Ehrenreich calls "the refreshing impersonality of capitalism." Workers are free to sell their labor to whoever has the means to buy it. When the service has been rendered and the price paid, both sides are free to go their separate ways. Besides liberating individuals from obligations to particular people and places, the cash nexus facilitates the rec-

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ognition of merit based on objective standards: you first get the job and then get paid for doing it because you can do it, not because of your personal relation to your employer.

Inspired by a vision of independent working women, second wave feminists have been far less forthcoming about the inherent constraints of wage labor. The impersonality of the cash nexus, "refreshing" to those who can avail themselves of its benefits, is debilitating to those who cannot. When labor has become a mere commodity, those who do it are likely to be treated like commodities themselves.

Witness the trafficking of third world women into prostitution. Of the sixty million female migrants in the world, perhaps a few million have been forcibly recruited and transported for sex work. But it would be a mistake to regard trafficking as merely a repulsive sidebar of the more heartening main story about migration. In *Global Woman*'s most comprehensive overview of women, work, and the new economy, Saskia Sassen emphasizes that the conditions that foster trafficking are at bottom the same ones that motivate less vulnerable, more resourceful third world women to choose to leave home in search of a livelihood. In both cases, women move under the press of circumstances that typify globalized third world economies: the dominance of big foreign companies and export industries; the devastation of small- and medium-sized enterprises oriented to national markets; high unemployment, particularly among men; massive and growing government debt; the imposition of draconian fiscal terms by international lenders; severe cutbacks in social and health services; and the drastic shrinkage of the middle class accompanied by increasing extremes of wealth and poverty. "When local manufacturing and agriculture no longer provide jobs, profits or government revenue," writes Sassen, "a once marginal economic wellspring industry becomes a far more important one."

Trafficking is of course roundly condemned in *Global Woman*. And trafficking apart, every contributor to the volume recognizes that the new economy has visited suffering and injustice on third world peoples. But the extent and nature of that recognition vary widely. In general, the stronger the commitment to wage labor as women's best chance, the weaker the inclination to mark the destructive side of globalization.

So, for example, of the four essays that focus on migrants' places of origin, only one, Kevin Bales's study of sex slavery in Thailand, draws out the structural connections between female migration and the exigencies of unrestrained industrial capitalism. It's also the one of the four that does not view freedom from the vantage of second wave feminism, proceeding instead from the broader perspective of antislavery activism.

Bales recognizes that industrialization has benefited women by affording them unprecedented opportunities for education and gainful employment, to the point where procurers are having trouble recruiting poor and ignorant Thai girls into prostitution. Nor does Bales blame sex slavery in Thailand exclusively on the country's globalized economy. His nuanced analysis traces complex interactions among many factors: breakneck industrialization and urbanization, widespread political corruption, a flourishing sex industry nourished by newly rampant mass consumerism, and a tradition of polygamy. All the same, Bales does not shrink from marking the "horrific" effects for women that occur when all of the above combine with "the new economy's relentless drive for profits." "Indeed," he writes, "the work of the modern slaveholder is best seen not as aberrant criminality but as a perfect example of disinterested capitalism." In short, Bales presents the new economy as a deeply mixed blessing.

By contrast, the ambiguities of globalization get short shrift, when they get any attention at all, in Salazar Parreñas's examination of the care crisis in the Philippines, Michele Gamburd's portrait of shifting gender relations in Sri Lanka, and Denise Brennan's study of prostitutes in the Dominican Republic. In these essays, the globalized economy appears principally as a means of melioration for the gutsy women who exploit its singular opportunities. The authors aim their most vigorous criticism at moralizing backlashes against migrant females' assertiveness, while downplaying or disregarding altogether the depredations of transnational capitalism.

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But it's when those depredations are acknowledged and subsequently discounted, as they are in Arlie Hochschild's article on cash and care in the new economy, that the obfuscating effects of contemporary feminism's faith in wage labor are most evident. Folding heartrending sketches of migrant mothers separated from their children by years and miles into a larger, statistically detailed picture of "the growing split between the global rich and poor," Hochschild proposes that we regard the wholesale removal of third world women to first world nurseries as a new form of imperialism. For centuries the powerful have seized gold, oil, and other natural resources from the weak; nowadays, she says, they also extract love, or its facsimile. Like their predecessors, the expropriators of care get what they want through force. But rather than holding a gun to anyone's head, today's affective imperialists operate through indirect means of coercion, namely, the instruments of economic domination that have so impoverished the third world as to have impelled massive numbers of women to seek work abroad. Though migrant women suffer plenty under this regime, the worst victims of "the new emotional imperialism" are their children, whose mothers' firsthand devotion has been sold off to the wealthy parents of the first world.

Having spun this powerful metaphor, Hochschild proceeds to back away from it, as she considers how to make amends for the injustice she has just described. Redressing the new imperialism would mean restoring migrant mothers' love to their children, a restitution that can be accomplished only by enabling mothers and children to stay together. The most obvious solution, Hochschild concedes, would be to increase opportunity in the third world to such an extent that there would be no economic advantage in leaving. She calls this option "ideal" but unrealistic. Once you have development, she contends, migration is inevitable.

But there's another reason that Hochschild's not interested in trying to discourage migration: first world women's professional prospects depend on an ample supply of nannies. "In all developed societies," she writes, "women work at paid jobs.... If we want developed societies with women doctors, political leaders, teachers, bus drivers, and computer programmers, we will need qualified people to give loving care to their children." Meaning, as she goes on to say, "loving paid child care."

If Hochschild had followed out the implications of her parable of empire, the mistresses of the first world would figure as agents, however unwitting, of the new emotional imperialism. Instead, they appear in the sympathetic guise of time-bound working mothers. The pivotal tension no longer revolves around the "growing split between the rich and the poor" but the gap between the number of hours in a day and the cumulative demands of child care and career-building. Granted, Hochschild urges that the migrant nannies who fill that gap be given proper respect, decent wages, and the means to enable their children to migrate with them or "to receive all the care they need," presumably in the third world. But as much as these measures would improve the lives of migrant women and their children, they would do little to narrow the global chasm between poverty and wealth. Indeed, by the end of the essay, the image of that abyss has disappeared, as has talk of coercion and capitalism. In their place are references to "development," with its reassuring aura of progress.

Saskia Sassen's less reassuring commentary offers a foil for the circumventions of this feminist discourse. Like Bales, Sassen doesn't allow a recognition of wage labor's real if limited empowerment of some women to trump a critique of the more general "immiserization" fostered by global capital. When Sassen contemplates migrants' female employers, the first thing she sees is not deserving women doctors, bus drivers, and computer programmers who need quality child care but members of an elite whose privileged status requires the support of cheap service. Homing in on the "global cities" where the management of the new economy is concentrated, Sassen marks the rise of a "transnational professional class" of global administrators. Their managerial corporate jobs pay exceedingly well but leave little time for life outside of work. Short on time but long on money, the women and men of this new urban gentry hire others to look after their

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households and their offspring. It's their "consumption practices," says Sassen, that "generate a demand for maids and nannies as well as low-wage workers in expensive restaurants and shops." That demand is being filled by fugitives from the pauperized third world, fleeing conditions that their first world employers' services to global capital help to produce and sustain.

Sassen's essay offers analysis, not remedies. But insofar as it ties the privileged status of first world women to the prerogatives of corporate capitalism and industrial culture, her discussion suggests the formidable challenges that await feminists seeking mutuality between migrant women and their female employers. Those who want to see the women of the poor "south" struggle with, instead of against, their sisters in the rich "north" will have to dispute the legitimacy of corporate authority and capital mobility and contrive alternative legal and economic modes of enterprise that can be held democratically accountable. They will also have to envision ideals of comfort and prosperity that lead to more equitable outcomes than the ones engendered by the industrial goals of maximum production and consumption.

Nobody writing in *Global Woman* broaches so radical a program—not even Barbara Ehrenreich, who offers the book's most astute critique of the injuries of class. A superficial observer of a mistress and her migrant maid might conclude that only the servant is harmed by the gross disparities between their power and prestige. Ehrenreich recognizes that the mistress also suffers—from an impairment of character. It may seem fatuous to speak of a moral injury sustained by the women of the first world, given the material hardships borne by the women of the third. But the moral detriment that concerns Ehrenreich exacerbates those hardships by reinforcing the sense of entitlement claimed by the mistresses (and masters) of the world.

Echoing Sassen, Ehrenreich contends that we should not allow "the opportunities, however limited," that domestic service affords poor and immigrant women to hide the fact that paid housework allows those who are doing the paying to escape responsibility for the messes they make. The "consequence-abolishing effect" of a servant economy, she says, "breeds callousness and solipsism in the served." This is strong medicine. But Ehrenreich dispenses stronger yet. She assails academic feminists for having lost interest in "the politics of housework" because, like "a sizeable portion of the nation's opinion makers and culture producers," they've stopped cleaning their own homes and started hiring somebody else to do it for them.

Ehrenreich's iconoclasm is, however, erratic. Though she bemoans affluent Americans' unwillingness to pick up after themselves, she also deems the "outsourcing" of domestic work "unstoppable" and regret over the loss of skills such as home cooking and sewing "reactionary." At the end of her essay, where we might expect an appeal for accountability and a corresponding transformation of daily life, we find a mere call to make visible the physical labor "that goes into creating and maintaining a livable habitat." But the problem, as she has shown, isn't that people can't see such labor; it's that they don't want to. Still more disconcerting is her closing equivocation. "The feminists of my generation," writes one of its most celebrated representatives, "tried to bring some of [this indispensable physical work] into the light of day, but, like busy professional women fleeing the house in the morning, they left the project unfinished, the debate broken off in mid-sentence, the noble intentions unfulfilled. Sooner or later, someone else will have to finish the job." Someone else? Ehrenreich's last-minute reprieve of the truant sisterhood exemplifies nothing so much as the "consequence-abolishing" attitude she so rightly deplores.

That said, the job remains to be done. Two jobs, actually—recovering the work that makes the earth a home and recovering the feminism that respects such work and the people who do it. Ehrenreich points, unsteadily, to this double mission. But she, along with most of her sisterly cohort, misses two of the major tasks it involves: righting the skewed relations between the home and the marketplace and getting men to assume their fair share of responsibility for domestic life. Given

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that, unlike class issues, these are matters around which the working women of the first and third worlds could even now take a joint stand, a feminism that neglects them is particularly remiss.

Women's lives are being consumed by the exigencies of paid work, be they the requisites of advancement in a prestigious institutional career or the terms of employment in a dead-end domestic job. Second wave activists have campaigned for affordable child care and for paid family and medical leave, programs that would greatly benefit working parents and their children. What they haven't defended is unpaid moral commitment. On the contrary, they've generally abetted the commodification of personal relations and home life. In *Global Woman*, their accommodation of the market can be inferred from their characterizations of the family as "a flexible preindustrial institution" (Hochschild) and "an adaptive unit that responds to external forces" (Salazar Parreñas)—which is to say, the forces of corporate capitalism and industrial culture. Along the same lines, Ehrenreich commends the "radical" character of the "wages for housework" campaign mounted by Marxist feminists in the early seventies and rues its decline. But if radical means challenging the dominant order, such a program is just the opposite. Paying people to clean their own homes or—taking this idea to its logical conclusion—to care for their own children or parents or others who can't care for themselves would extend the cash nexus further into personal and domestic spheres.

The extent to which that nexus defines second wavers' priorities is further evidenced by their talk of "care work" and "sex work." Presumably, the use of these neologisms is intended to elevate the activities they designate, otherwise known as care and prostitution. Given that since the late nineteenth century, Americans have associated real work with wage labor performed outside the home, the new terms reflect feminists' predilection for monetized transactions. "Prostitution" carries a moral charge; "sex work" has the antiseptic ring of a business contract. Less jarringly, the shift from "care" to "care work" has the same morally neutralizing effect. This linguistic makeover obscures the fundamental differences between care rendered in the context of a moral commitment and care rendered in the context of a monetary exchange, and it does so at the expense of the moral, not the monetary, variety. By providing an abstract medium that expresses equivalencies among essentially disparate objects, money fosters interchangeability. But interchangeability is inimical to moral commitment, which is founded in obligations between or among specific individuals. The spatial qualities of these two modes are similarly disparate. Because monetary relationships are essentially impersonal, they can be transacted and sustained over great distances. Moral relationships, on the other hand, are essentially personal and thus local. Yes, people can care for each other over great separations of time and distance, but it's hard to keep it going, as illustrated by *Global Woman*'s stories of how love grows between migrant women and the strangers they care for, but languishes between these women and their own distant children. It's the recognition of this truth that motivates Hochschild's proposal that we devise ways to enable migrant women to bring their children with them. What's true of love holds for any moral commitment: you have to be there to make it happen.

Which brings us to the issue of men's absence from the domestic sphere of responsibility. This is perhaps the least considered subject in *Global Woman*, which is odd in light of the importance it's assigned. According to Ehrenreich and Hochschild, the crisis in care is basically men's fault. In light of that charge, you'd expect to find considerable resentment toward men in this book, as well as some intensive analysis of male fecklessness and some bold proposals for male reformation. Instead, the focus is mainly on the failings of the first world mistresses with whom most migrant servants have the most direct dealings, even when they're working for a heterosexual couple. Whereas women's work and family relations are fleshed out in vivid anecdote and subjected to detailed analysis, the situation of men, and in particular connections between male dereliction and the new economy, go largely unexamined. As for refor-

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mation: Hochschild cites Norway, where employed men are eligible for a year's paternity leave at 90 percent pay, as "a model to the world."

But it will take a lot more than paternity leave to reform the men glimpsed in *Global Woman*. In the whole book, which presents the findings of fifteen authors who range across continents and cultures, there's only one example of a domestically active male—an unmarried, unemployed, and hence socially marginal Sri Lankan who keeps house for his mother and the children of his sister-in-law, who works as a domestic servant in the Middle East. In any case, shirking housework and child-rearing appears to be the least of men's offenses. Almost without exception, men here are scoundrels who abandon their children and spouses (if they bother to marry in the first place), harass their female servants, own brothels, traffic in women, patronize sex slaves, and/or squander their migrant wives' hard-earned wages on liquor. Global man comes across as an incorrigible jerk.

Men may often act like jerks, but they are not incorrigible, as even the scant evidence in *Global Woman* suggests. In a tantalizing paragraph, Ehrenreich reports that between 1965 and 1995 American men increased their share of cleaning, "the most despised of household chores," by 240 percent. To be sure, in 1995 men still devoted only 1.7 hours per week to housecleaning, and women were still doing far more—6.7 hours a week. The essential point, though, is that men changed for the better. Noting that almost all the increase in male activity occurred between the 1970s and the mid-1980s, Ehrenreich emphasizes the demands issued by women in the period's "chore wars." With "the cessation of hostilities," she says, male improvement came to an end.

The moral of this story is that if women want men to do their fair share, they have to ask—make that, insist—that they do so. But such exhortation will be effective only if it is legitimated by a larger mutual commitment. For most men and women, that means the commitment of marriage, an institution that second wave feminists have generally neglected, not to say, scorned. And because marriage vows, like other promises, stand the best chance of being upheld when the pledges at hand are practicable, women need to campaign for changes in the conditions of employment that will enable working men to come through at home. A good start would be to demand shorter and more flexible hours across the board for both men and women. Whatever the specifics, family life needs to be given its due.

These efforts call out for vigorous feminist leadership in the first world and the third. To read *Global Woman* is to begin to see the work—paid and unpaid, mental and physical—that will be required for such leadership to emerge. It's also to grasp the urgency of doing it. ●

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Arendt's Judgment

Mark Greif

RESPONSIBILITY AND JUDGMENT
by Hannah Arendt, edited and with an Introduction by Jerome Kohn
Schocken, 2003 336 pp $25

LETTERS 1925-1975: HANNAH ARENDT AND MARTIN HEIDEGGER
edited by Ursula Ludz
translated by Andrew Shields
Harcourt, 2004 360 pp $28

DISSENT PLAYED a part in the controversy over *Eichmann in Jerusalem*. In 1963, when Hannah Arendt's articles for the *New Yorker* on Adolf Eichmann's trial in an Israeli court provoked consternation in intellectual journals and condemnation from the Anti-Defamation League, Irving Howe decided to hold a public forum, under the auspices of the magazine, to invite the principals to debate. Arendt declined. Daniel Bell and Raul Hilberg took Arendt's side, with Howe moderating, and met a violent clamor of opposition.

History remembers the forum for its breakdown of civility among the New York Intellectuals. The immediate recriminations centered on whether Alfred Kazin had been shouted down. "[A]t no point—I repeat: *at no point*—was anyone, not Bell or Hilberg or Kazin, 'shouted down,'" Howe wrote. "[N]obody seemed to listen to what Alfred Kazin, who spoke up for Hannah, was saying," William Phillips offered: "In fact, as I remember, he was booed." The last word on the forum currently belongs to Ted Solotaroff, who just last year, in *Alfred Kazin's America*, published his recollection of what happened:

> [T]he rhetoric became more inflamed as each speaker tried to outdo the others in telling outrage. Finally, Howe introduced a survivor of the Holocaust and was happily translating for the audience his Yiddish testimony against Arendt when Kazin stood up, walked to the podium, and said, "That's enough, Irving. This disgraceful piling on has to stop."

The disgraceful piling on hasn't really stopped for forty years. Even today Hannah Arendt is misremembered as a betrayer of her fellow Jews. It's true that much of the sound and fury around *Eichmann* came from provoking habits of Arendt's own. She never defined "the banality of evil," the notorious phrase from her subtitle. Only a minority of commentators who have used the phrase since then understood what she meant. Arendt's style was ironic and cutting. It was as if she had reversed the famous esoteric doctrine of her contemporary, Leo Strauss, and demanded persecution from those who should have been her allies by creating a surface full of provocations, and leaving between the lines the highly traditional principles that would have out-moralized the moralizers. Arendt's paradoxes were calls to philosophical thought. But they could only have been elucidated in the philosophical works that the tumult surrounding *Eichmann* kept her from writing.

Two new books illuminate the perplexities of Arendt's thought and the controversies surrounding her. *Responsibility and Judgment* collects lectures, addresses, and essays from the era of *Eichmann in Jerusalem*, letting us see how Arendt clarified her position in response to her critics, and turned a reporter's insights into philosophy. *Letters 1925-1975: Hannah Arendt and Martin Heidegger* invites English-language readers to examine the most controversial aspect of Arendt's biography more recently, her love affair and lifelong friendship with the philosopher Martin Heidegger, who joined the Nazis as Arendt fled them.

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The banality of evil was a simple concept. It meant the following: A person who committed the most evil deeds could do so without having a wicked heart or a criminal temperament. To Arendt, this created a conceptual problem. Most people who did evil deeds really should have a corrupt temperament. Normal people, she firmly believed, held an aversion to evil: "It is, I think, a simple fact that people are at least as often *tempted* to do good and need an *effort* to do evil as vice versa."

To many of us, this wouldn't have caused a conceptual problem. In her era as in ours, everyday opinion made less of individual choice and more of circumstance. Bureaucracy reduced personal autonomy. An individual could be trained, controlled, or coerced. He could be made a "cog" in a machine; refusal is pointless if a more malleable person will instantly replace you. The "banality of evil" was misunderstood partly because it sounded so easy to assimilate to these ideas of reduced responsibility—all of which Arendt rejected.

At the Eichmann trial, Arendt had a perception for which she has often been faulted, but which every journalist who covered Eichmann in 1961 seemed to find. He was too normal. Mainstream magazines such as *Life*, *Newsweek*, and the *Atlantic* presented Eichmann's averageness, dullness, and familiarity. He had arranged Jewish deportations from Reich territories. He transported populations to the death camps. But unlike Hitler and the major Nazi criminals, who had done evil from evil motives, Eichmann's terrible deeds seemed to come from ambition and concern with his organizational task rather than a will to kill Jews. (This is controversial still; Arendt insisted on it.) In a psychological, though not a legal sense, he seemed to lack *mens rea,* a criminal mind.

It particularly troubled Arendt that Eichmann didn't reject law or morality as higher-ranking Nazis did. He quoted Kant's moral theory accurately and claimed to follow it. He had kept his "conscience," meaning he had avoided compromises, shortcuts, or the intrusion of personal feelings into his arrangements to transport Jews.

The under-recognized outcome of her sense of Eichmann's "normalcy," for Arendt, was a shoring up of her already demanding sense of individual responsibility. This emerged, in *Eichmann*, in two very different projects. One was an empirical investigation. She wanted to know what in Eichmann's inner makeup had allowed him not to see that his acts were wrong. The other was a separate task of publicity. Arendt was inspired to name all the ordinary people who were *not* being tried in Jerusalem, everyone from the Nazi era who had escaped judgment.

This led to her notorious, bitter pages on the Judenräte, the councils of Jewish leaders assembled by the Nazis when Jewish populations were ghettoized and deported. To minimize the suffering of the community, or to have some say in a terrible process, Judenräte did such things as deliver lists to the Nazis, select people to be deported, and round deportees up with a Jewish Police. Arendt believed it was immoral whenever leaders of a community made exceptions for some while they sent others to die. This judgment against the Judenräte earned Arendt the permanent enmity of friends like Gershom Scholem and her mentor, the Zionist Kurt Blumenfeld. Her many angry pages of names of West Germans who had escaped judgment for their Nazi past, including officials in the Adenauer government, did nothing to blunt the controversy.

By judging the Judenräte, yet coolly and ironically studying Eichmann, Arendt seemed to her critics to be exculpating the captured Nazi and blaming his victims. But others' interpretations had their own weaknesses. The American press viewed Eichmann as a symbol of the possibility of having one's actions determined by bad circumstances. "There is an Eichmann in every one of us": anyone might be capable of what Eichmann had done, and must be on guard against "conformism." Jewish critics of Arendt's reading of Eichmann, instead, believed that Eichmann's normalcy was utterly an illusion or a put-on. Because Eichmann had been capable of monstrous deeds, he must be a monster inside.

To Arendt, these two positions seemed far more exculpatory than her own. An "Eichmann in everyone" diminished moral responsibility for those who crossed the line from conform-

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ism to actual evil. The idea that Eichmann was an utter monster, pathological and unique, refused realities uncovered by the trial and investigation. It set a standard of evil that ordinary wrongdoers wouldn't meet. This jeopardized the process of judging wrongs in normal people. In her critics' violent defense of the Judenräte, Arendt saw a fear of judgment. Why was everyone so afraid to do what any well-trained child could do: to judge those who had done wrong as wrongdoers—if not in court, then in speech and the freedom of their own thought—and let the chips fall where they might?

> There exists in our society a widespread fear of judging . . . [B]ehind the unwillingness to judge lurks the suspicion that no one is a free agent, and hence the doubt that anyone is responsible or could be expected to answer for what he has done. . . . Who am I to judge? actually means We're all alike, equally bad, and those who try, or pretend that they try, to remain halfway decent are either saints or hypocrites, and in either case should leave us alone. Hence the huge outcry the moment anyone fixes specific blame on some particular person.

Arendt's own solution to the Eichmann enigma came closer to the views of her critics than of the American press. If Eichmann was "normal," she thought, there was still something else wrong with him to let him do such evil. Her answer, based on observation, was not monstrosity but "thoughtlessness."

This judgment has irritated readers ever since. Eichmann could obviously think in the ordinary sense. Arendt's use of this word could only point to some philosophical concept she seemed too proud to spell out. In *Eichmann in Jerusalem*, "thinking" had two immediate meanings, as the two human things Eichmann seemed unable to do. He couldn't think from the point of view of others. Interrogated by the Israelis, when his own life depended on it, he treated his questioners as if their worries and priorities were identical to his own. And he couldn't see "reality": that is, he failed to respond to the facts in front of his eyes if he could slip into a stock phrase (as when he loftily promised to remember everyone, in his speech before being hanged).

Thinking and judging: at this stage, the concepts' definitions were pre-philosophical, rooted in Arendt's immediate responses to Eichmann's character. Yet their elaboration as grounds for philosophy occupied her for the rest of her life.

None but committed Arendt scholars, or those personally close to her, would have known that she built up an explicit moral philosophy under the direct influence of her insights from *Eichmann*. By the time *The Life of the Mind* was published, posthumously, in 1978, her late ideas seemed so transformed that though she credited the Eichmann trial with initiating them, the reader could hardly believe it. *Responsibility and Judgment*, however, publishes a set of four lectures she gave at the New School in 1965, "Some Questions of Moral Philosophy." Because this material comes from the earliest period of post-Eichmann philosophizing, the continuity of her thought becomes clear.

Her task was to formulate the morality that kept average people from doing evil in emergency situations. The emergency she had in mind was Nazi Germany. She wished more people had possessed principles that led them to refuse the Nazis. Refusal was exhibited by rare individuals of every social type. Set against them, though, were those "normal" people who couldn't be relied on: Eichmann-types on the one hand, and advanced "intellectuals," her former colleagues, on the other. These two groups loved to judge things by rules—but in the Third Reich all rules had been reversed. "Thou Shalt Kill," she liked to say, became the First Commandment. Therefore, Arendt set herself the difficult task of a morality that would not depend on rules.

Examining the history of philosophy, she found she had two natural allies for her concepts. The first was Socrates, who had made thinking the fundamental task of the good life. The second was Kant, who put judgment at the center of his aesthetics, in the power to identify a particular object, like a rose, as "beautiful" without a rule to follow. Kant, it's true, already had a moral philosophy. Yet his three formulations of the Categorical Imperative, the most impressive ethical rule-book of modern times, and his picture of reason giving

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law to the self, had proven inadequate protections against participation in the evil of the Nazis.

Socrates provided her model of thinking. In the agora or the gymnasium, he questioned others to see what ideas would not stand up. When he was alone, thinking continued as an internal version of that same dialogue. It was "the silent dialogue between me and myself," Arendt wrote. It made the thinker like two speakers internally, "two-in-one," always testing possible beliefs and actions, grappling with the reality of the outer situation by a kind of inner company.

In his refusal to escape Athens when sentenced to death, Socrates also formulated the fundamental positive doctrine of Arendt's vision of morality: "it is better to suffer wrong than to do wrong." Arendt saw this doctrine as a consequence of the conception of being two-in-one, an inevitable outcome of Socratic thinking. Thinking produced a kind of "don't step beyond this line" that moral people held as their base for all behavior. If a thinking person did wrong, he would henceforth be in the presence of a wrongdoer, himself, and the long-term attempt to live with himself would be worse than any punishment the world could give.

But one needed to be able to judge right and wrong when it was not just a matter of refusing or saying "no." Arendt knew that Kant had "defined judgment as the faculty which always comes into play when we are confronted with particulars." For the judgment of a person's action or his character, also, Arendt realized, one had no rule that could fit the always particular details and always unique circumstances.

Quoting Kant's phrase, "Examples are the go-cart of judgment," Arendt stressed the need of exemplary persons and actions for training in judgment. "We judge and tell right from wrong by having present in our mind some incident and some person, absent in time or space, that have become examples. There are many such examples. They can lie far back in the past or they can be among the living." Exemplary wrongdoers and right-doers gave reason, the individual faculty of thought, its tie to the *sensus communis*. Such a common sense would keep the knowledge of human community intact even in an emergency like Nazism, when a whole society made laws that violated it.

As a moral theory, this is coherent but extremely demanding for anyone with modern expectations. Arendt rejected every argument we use to diminish the individual responsibility of a person in extreme situations. Determinism by circumstance, "cog" theory, collective guilt—she rejected them all. She also rejected the "argument of the lesser evil," that it is acceptable to collaborate with an evil act if it might prevent or divert one greater. Participation, she insisted, always communicated consent. You could not collaborate with an evil process, whatever your motives, without in effect supporting it, and the practical consequences were nearly always better if enough people refused. She rejected a moral exception for physical coercion, even to the threat of death, using a formulation she had worked out with her close friend Mary McCarthy: "If somebody points a gun at you and says, 'Kill your friend or I will kill you,' he is *tempting* you, that is all."

FINALLY, THOUGH, it is her idea of judgment that is most alien to us. On Arendt's model, we must judge, and judge, and judge: thoughtfully, implacably, publicly. At both the individual level and the level of the community, people must always be judging the acts and characters of others. If you think of our current world, there may be truth to her charge that we are afraid of judging. We complain about people, we hate them, we love scandals, we opine about what people shouldn't dare say in public. But we would think it arrogant for one person to stand up and coolly say to another—"I, so-and-so, having considered it carefully, judge that what you, Mr. X, did, was morally wrong. I need no more authority to judge you than the fact that I am a fellow human being, and that I have judged by good examples, and asked myself what I, myself, could not live with doing."

Of course, it would be a very curious world in which one constantly dared to judge others, and not so much one's enemies. As Arendt always insisted, the real moral issue was never

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with one's enemies, who like the Nazis could be so obviously evil) but with one's friends, and those one loved.

Hannah Arendt would not have become political, she later believed, if the Nazis had not made life as a philosopher inadequate. At age twenty-seven, author of a published dissertation on *Love and Saint Augustine*, she was arrested for anti-Nazi activities on behalf of the German Zionist Organization. Upon her release, she fled Germany, living first in Geneva, then Paris. Deported with other "enemy aliens" in 1940 to the French internment camp at Gurs, released at the fall of France, she and her husband made it to America. In New York, she began the work that would make her the most important theorist of totalitarianism in the postwar years, while working for a variety of Jewish organizations. Then in 1963, she wrote *Eichmann in Jerusalem*, and her reputation reversed: she earned accusations of self-hatred and Jewish betrayal. But only after the revelations, in the last two decades, of her liaison with Martin Heidegger, did some commentators dare to tar her with the Nazi brush.

Arendt was a nineteen-year-old philosophy student at Marburg in 1925 when Heidegger discovered her seated in his early morning lectures. He initiated a love affair. ("You are my pupil and I your teacher, but that is only the occasion for what has happened to us.") Heidegger was married, thirty-six years old, and had two sons. The affair lasted a year, until Arendt switched universities, to Freiburg. Heidegger continued to summon her to meet him secretly when he traveled, perhaps as late as 1929.

Letters 1925-1975 is surprisingly unrevealing. Passion is evident, on both sides, as is Heidegger's tremendous self-centered pomposity. Heidegger destroyed most of Arendt's letters; she kept his. The high German tone, the notes on Being mixed with romantic *schmaltz*, and the fragmentary instructions on their assignations don't add up to much.

Read alongside *Responsibility and Judgment*, however, the framework of interpretation has to be that old question: does the philosopher live by her philosophy? The notion that Arendt subtly imbibed anti-Semitism from Heidegger is nonsense. If Arendt ever betrayed something with her attachment to the elder philosopher, it was her own late philosophy of judgment. For what Heidegger could have been made, in his genius and in his evil deeds, was an *example*.

In late 1932 or early 1933, she confronted him directly, in the final exchange of their prewar correspondence. She had heard rumors of his abandonment of Jewish colleagues and students, reports of his anti-Semitism. "[S]landers," Heidegger declared all of it. He ended the letter with a typical guilt trip for daring to accuse him: "In any case, I have long since given up expecting any sort of gratitude or even just decency from so-called 'disciples.'"

In 1933, while Arendt ran from the Nazis, Heidegger politicked with Nazi colleagues to be appointed rector of the University of Freiburg. He delivered a Rectorial Address giving philosophical cover to National Socialism, arranging for it to be greeted with the Nazi Party anthem, stiff-armed salutes, and cries of *Sieg Heil*. He undertook the Nazification of the university, approving the anti-Semitism that excluded even his own mentor Husserl, and he cut off contact with Jewish colleagues and dumped Jewish graduate students. Heidegger's enthusiastic Nazism has been well documented, despite his postwar prevarications, by a generation of recent German scholarship that turned up shameful new details as late as 1989.

By the war's end, Arendt's letters to her husband and to the philosopher Karl Jaspers indicate she knew enough about Heidegger's actions to judge him a liar, a coward, and a participant in appalling deeds. She wrote sarcastically about his Nazism in a footnote to a dry 1946 *Partisan Review* essay on European existentialism.

Then Arendt met with Heidegger again, impulsively, in 1950, on a visit to Germany to recover pillaged cultural objects for Jewish Cultural Reconstruction. "This evening and this morning are the confirmation of an entire life," she wrote him afterward. "I became aware of . . . how . . . the power of the impulse had mercifully saved me from committing the only really inexcusable act of infidelity and forfeiting my life." The "infidelity" would have been to

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abandon Heidegger forever. In a few further elliptical phrases, she in essence apologized to him for her plan of abandonment; even repudiating the "reasons" which could have kept her away. One has to imagine these "reasons" were his Nazi attachments.

In effect, she stopped judging him, at least to his face, at least publicly. Or, perhaps, she under-judged him: giving too much public credit to his deceptions, and too little to her long-standing intuitions about his character. *Letters 1925-1975* reprints her tribute "Martin Heidegger at 80," delivered in 1969 on radio and published internationally. Knowing what we know now—though we can't say precisely how much of it Arendt knew—one can't help but feel that she soft-pedals his Nazism. She said Heidegger made a "mistake," but corrected it. She suggested this was to be expected in a philosopher, a role she evidently doesn't assume for herself. "We who want to honor thinkers, even if our residence is in the middle of the world, can hardly help but find it striking and perhaps even irritating that, when they got involved in human affairs, both Plato and Heidegger resorted to tyrants and Führers."

Again, a crucial essay from *Responsibility and Judgment* helps to clarify matters. Late in "Some Questions of Moral Philosophy," Arendt digresses to admit a major objection to her views about thinking and judgment. An ineradicable subjectivism haunts her idea of the freedom to choose one's company, both outer and inner. She gives her response in an anecdote from Cicero. Cicero is choosing between the ideas of Plato and the Pythagoreans, where their opinions differ. He bursts out: " 'By God, I'd much rather go astray with Plato than hold true views with these people.' " Arendt goes on as follows:

> And he lets his partner in the dialogue once more emphasize the point: he too would not mind at all going astray and erring with such a man [as Plato]. . . . The point is that . . . there comes a point where all objective standards—truth, rewards and punishments in a hereafter, etc.—yield precedence to the "subjective" criterion of the kind of person I wish to be and live together with.

Heidegger was her Plato. She preferred to go astray with him than remain with the views of those who hewed to decency—even herself. She knew Heidegger as a liar, a betrayer, and a lover whom she declared (in private writings) she had never quite ceased to love. She also knew him as a genius. It is not often in history that one finds a Plato for one's teacher. She evaluated his philosophy, in letters to her husband and friends, completely separately from her gloomy assessments of his character. A fair sampling of readers today confirms the perception that Heidegger was the preeminent continental philosopher of the twentieth century. Though he turned to tyrants, to abandon him would have been to give up her "life," that is, her other life as a philosopher, beyond the political persona and ethic of judgment she tried to maintain in the world.

This was Hannah Arendt's lesser evil. It is not excusable in the context of her philosophy. Elsewhere she rejected involvement with the lesser evil, for a good reason. "Politically, the weakness of the argument [for lesser evils] has always been that those who choose the lesser evil forget very quickly that they chose evil." Whether Arendt forgot, we can't say. But she did not judge Heidegger, as she judged others, or in the manner that she demanded we all judge. What Arendt did not know about Heidegger, and what she excused, one hesitates to separate. The clear thing is that she made her choice. Her philosophy of judgment, together with her one key refusal to judge, can be understood in human terms but never reconciled. ●

Mark Greif is a senior correspondent at the *American Prospect*.

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Decline and Fall?

The American Empire at Risk

George Scialabba

AFTER THE EMPIRE: THE BREAKDOWN OF THE AMERICAN ORDER
by Emmanuel Todd
Foreword by Michael Lind
Columbia University Press, 2004 233 pp $29.95

SOCIALIST REGISTER 2004: THE NEW IMPERIAL CHALLENGE
edited by Leo Panitch and Colin Leys
Monthly Review Press, 2004 280 pp, $25

EMMANUEL TODD is a prolific French anthropologist and historian, a student of family structure and its role in political and economic development. He has always cast his net wide; in 1976 he published *La Chute finale* (*The Final Fall*), one of the few books to predict the near-term demise of the Soviet Union, which he deduced from its falling birth rate and other demographic statistics.

After the Empire first appeared in 2002 and became a best-seller in Europe. No doubt its unflattering description and grim predictions about the United States did not hurt sales. But as Todd insists in his introduction to the American edition, "it would be a mistake to think of me as one more 'typical French intellectual' carrying the same old anti-American virus that has infected so many Parisian intellectuals." He trained as a scholar in England, his family is partly American, and he initially opposed the Maastricht Treaty and European unification. Quite rightly, Todd has no patience with reflexive, *a priori* anti-Americanism. Unfortunately, though, he sometimes leaves the impression that he believes there is no other kind. For example, on the book's first page he describes America's role in the world after the Second World War as "the guarantor of political freedom and economic order for half a century," a judgment he occasionally repeats and never qualifies. *Au contraire*, as most *Dissent* readers know, at various times since 1945 the United States has strongly supported governments hostile to political freedom in Nicaragua, El Salvador, Guatemala, Honduras, Haiti, the Dominican Republic, Brazil, Argentina, Chile, Paraguay, Uruguay, Greece, Turkey, Iran, Iraq, Saudi Arabia, Zaire, Pakistan, Thailand, Indonesia, South Korea, and the Philippines. American agribusiness and mining companies have wrought widespread economic and environmental havoc; tobacco exports pressed on unwilling countries by the Reagan administration under threat of trade sanctions will contribute to an estimated fifty million deaths in the first half of this century; and the forcing open of capital markets by the Clinton administration for the benefit of American financial institutions has left tens of millions of people in less developed countries without jobs, savings, or a social safety net. Still, Todd's disinclination to dwell on (or, for the most part, even mention) these regrettable lapses should at least reassure thin-skinned American readers that he takes no pleasure in telling us the bad news.

The bad news is that America "has made foolish strategic choices, and . . . Americans must prepare for a reduction of their power and, most likely, of their standard of living." A less-than-astonishing conclusion, perhaps, but Todd's path to it is unusual. First, he outlines a theory of modernization. One of the theory's independent variables is literacy. Progress on this front, though uneven, is steady: universal literacy (expected for the younger half of the world's population around 2030) is about as inevitable as any social outcome can be. As literacy rises, so do most indicators of political, economic, and gender equality, even though the transition is often mediated by revolution-

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ary violence. Exogamy also increases, and fertility declines. "Economic development in Asia and Latin America today is linked almost automatically to educational development, just as it was in Europe between the seventeenth century and the beginning of the twentieth."

Terrorism is a transitional phenomenon: "The move into modernity is frequently accompanied by an explosion of ideological violence." Nevertheless, rising literacy rates and falling birth rates across most of the Islamic world guarantee that eventually these countries too will achieve political and economic modernity. The current American "obsession with Islam," Todd argues, derives from various peculiarities of our own situation.

Todd's other independent variable is family structure. Traditional family relations and other anthropological features determine the forms that modernity will assume in each society. Drawing on his earlier work (*The Explanation of Ideology: Family Structure and Social Systems*, 1985), Todd sketches some correspondences. Anglo-Saxon liberalism derives from the relative independence of children from parents and from the inequality among brothers reflected in primogeniture. Equal inheritance among brothers produces French republican universalism. German authoritarianism results from a combination of paternalism and sibling inequality, Russian communism from the egalitarian patrimonialism of the Muzhiks. Arab family structure is complicated, featuring strong vertical and horizontal linkages among fathers and married sons, low status for women, and endogamy, resulting in an egalitarian and communitarian ethos but a weak state. All these correspondences help explain the apparent "clash of civilizations" during the present period of transition to modernity. But Samuel Huntington is only superficially correct; fundamentally, Francis Fukuyama has the right idea, even though he wrongly identifies economics rather than education and demographics as the agent of progress toward a "democratic convergence." "If," Todd concludes, "we take into account, on the one hand, the diversity of traditional family customs in the original peasant world—the anthropological variable—and on the other hand, the universal advance of literacy—the historical variable—we can grasp simultaneously the unique direction of history and the diversity of particular phenomena."

Very interesting; but what does it all have to do with empire? This: after the end of history, remember, there is no place for heroic prowess or contests for mastery—in short, for empire. War between liberal, capitalist democracies is, after all, unthinkable. If Todd and Fukuyama are correct, "the United States would have to become just one liberal democracy among others, scale back its military machine, retire from its geostrategic activities, and humbly accept the gratitude of the rest of the planet for its long years of exemplary service." But this is just what the United States is unwilling to do. Not, however, because we are too strong and proud, lusting for global dominion. The opposite is true: the United States is too weak to abandon militarism. We lost our economic primacy long ago and have foolishly tried to compensate by a combination of financial gamesmanship and "theatrical micromilitarism," or military bluff. Rhetorical crusades against "terrorism" and "rogue states" are ideological ploys to keep our allies mobilized, because "economically dependent, America requires a minimum level of global disorder in order to justify its politico-military presence in the Old World."

What lies behind Todd's perception of American weakness? By around 1970 Europe and Japan had more or less recovered from the Second World War and were becoming economically competitive with the United States, which had recently wasted enormous resources in Southeast Asia. The United States responded by reneging on the Bretton Woods regime: going off the gold standard, establishing the dollar as the world's reserve currency, and turning the International Monetary Fund into a global enforcer for Wall Street. Among its other benefits, this move conveniently positioned us to capture the flood of petrodollars that followed the oil price rises soon afterward.* Paul Volcker's

*Peter Gowan argues in *The Global Gamble* (Verso, 1999) that Nixon colluded with our Saudi clients to raise oil prices in order to deal a blow to the Europeans and Japanese, more heavily dependent on imported oil.

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savage interest rate hikes later in the decade further weakened the U.S. manufacturing sector and strengthened the financial sector. The Reagan years saw American companies flee abroad in droves.

The end of the cold war presented the United States with a fateful choice. We could relinquish the artificial financial advantages that kept money flowing into Wall Street even as foreign demand stagnated, American industry declined, and the American trade deficit grew. This would have meant military retrenchment and a period of economic austerity, but it would have restored our competitiveness, allowing for reindustrialization on a solid basis and with a more evenly distributed prosperity. However, we didn't. Instead, after declining through most of the decade, military budgets began increasing in the late nineties. Was this a deliberate decision by America's rulers to go for empire rather than rejoin an international community of equals?

No, says Todd, they just . . . blew it. "The American ruling class is even more rudderless and clueless than its European counterparts."

> Choosing to remain a leading nation rather than become an empire would have been by far the better long-term strategy for the United States. Moreover, it would have been far easier to achieve in America given the continental proportions of the country and the centrality of its investment system. But it would have required a lot of organizational and regulatory hard work on the part of the administration. Most important, it would have necessitated an energy policy combined with a protectionist economic policy to defend industry. At the same time, this two-pronged domestic policy would have had as an external counterpart a multilateral foreign policy to encourage other nations and regions to move toward economic autonomy beneficial to all. Reinvigorating developed economies on a regionalist basis would have permitted offering practical help to developing countries in the form of debt forgiveness in exchange for the return of protectionism. A worldwide plan of this sort would have made the United States the world's undeniable and definitive leader. But thinking it all up and putting it into action would have been so tiring.

And besides, as Todd points out, the rich were getting *so* much richer. Finance-led globalization generated colossal rentier profits, while the trade deficit created an illusion of wealth among an increasingly indebted working population. Reindustrialization would have meant a modest redistribution of income, and the rich might then have had to work a little harder choosing investments. So the drift toward empire was also a result of the eclipse of egalitarianism in the United States, to which Todd devotes a fascinating chapter that I can do no more than mention here, except to note that it draws ingeniously on his anthropological model.

This "global gamble" (Todd's argument resembles that of Peter Gowan's brilliant book) might have paid off for the rentier class, allowing them to extract indefinitely what Todd calls their "imperial levy"—the huge capital inflow that translates into a cost-free trade deficit. If (as seemed likely in the early nineties) Russia had disintegrated, there would have been no military counterweight anywhere to the United States. As a last resort, we could simply have bullied the entire world. But Russia has begun to recover. Like Turkey and Eastern Europe, it will integrate economically with the rest of Eurasia—all three have much more trade with the European Union than with the United States. And eventually Russia will regain sufficient military strength to deter any American threat to an insufficiently submissive Europe or Japan. In effect, Todd claims that it is already too late for the strategy announced in the Bush administration's National Security Strategy Document of September 2002 to succeed. Let's hope he is right.

I HAVE (believe it or not) considerably simplified the argument of Todd's audacious and scintillating book. The essays in *Socialist Register 2004* about American empire are, in the tradition of Marxist political economy, not at all scintillating, but they are invaluable nonetheless. Two of them in particular complement Todd's arguments: Leo Panitch and Sam Gindin's "Global Capitalism and American Empire" and David Harvey's "The 'New' Imperialism." (I also recommend two others, which I won't be able to discuss

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here: Michael Klare's "Blood for Oil," which links the Bush administration's energy policy with its military plans, and Amy Bartholomew and Jennifer Breakspear's "Human Rights as Swords of Empire," which tries to reconcile respect for the norm of nonintervention with the protection of human rights.)

Panitch/Gindin and Harvey tell much the same story as Todd about finance-led globalization, though in more detail. They also emphasize more than he its political and predatory aspect, as a means of reversing wage gains, unionization, worker protections, and environmental regulation, which by the late 1970s had improved many Americans' quality of life but had also dampened profits. Panitch/Gindin see the U.S. foreign-policy agenda as the universalizing of this neoliberal program by means of pressure (exerted through the IMF and World Trade Organization) on European social democracies to privatize nationalized assets and reduce social-welfare expenditures, on the developed countries of East Asia (Japan, South Korea, Taiwan, and to some extent China) to open their markets and banking systems, and on developing countries to forget about retaining control of their economic destiny and instead become what the IMF calls "effective states."

David Harvey's "The 'New' Imperialism" argues that "expanded reproduction," the normal form of capitalist profit-making, has been overtaken by "accumulation by dispossession," the generation of profits through fraud, political coercion, or legal fiction. This is a Marxist way (a novel and exciting way, I'm told by people who speak that language) of saying that finance has outstripped manufacturing, paper-shuffling has displaced production, and fictitious profits now outweigh real profits. But Harvey can speak ordinary language too, and very bluntly:

> The U.S. could turn away from its current form of imperialism by engaging in a massive redistribution of wealth within its borders and seek paths to surplus absorption through . . . dramatic improvements in public education and repair of aging infrastructures. An industrial strategy to revitalize manufacturing would also help. But this would require even more deficit financing or higher taxation as well as heavy state direction, and this is precisely what the bourgeoisie will refuse to contemplate . . . Any politician who proposes such a package will almost certainly be howled down by the capitalist press and their ideologists and lose any election in the face of overwhelming money power.
>
> Even more suicidal politically, within the U.S., would be to try to enforce by self-discipline the kind of austerity program that the IMF typically visits on others. And any attempt by external powers to do so (by capital flight and collapse of the dollar, for example) would surely elicit a savage U.S. political, economic, and even military response. . . . This is where the huge modernization program within China . . . may have a critical role to play in siphoning off the surplus capitals of Japan, Taiwan, and South Korea. . . . The consequent diminution of the flow of funds for the U.S. could have calamitous consequences.

As one can see, the Marxists are generally gloomier than Todd about the prospects for capitalism's eventual harmonious readjustment. (Though in fact Todd does allude, almost offhandedly, to the likelihood of "a stock market crash larger than any we have experienced thus far that will be followed by the meltdown of the dollar—a one-two punch that would put an end to any further delusions of 'empire.'") They also see different outcomes from America's current military adventurism. Like Todd (and most other people outside the United States), Harvey does not believe the U.S. invasion of Iraq had anything whatever to do with democracy, human rights, terrorism, or national security. On the contrary, since well before September 11, it was envisioned as a means of intimidating our potential rivals for world economic leadership, all of them more dependent than we on imported oil. Four new military bases in Iraq plus several in Central Asia are meant to ensure cooperative regimes in the region (whether democratic or not makes not the slightest difference to the United States), who will favorably entertain American suggestions to raise oil prices or reduce supplies if Europe, Japan, or China should tire of propping up the dollar or move toward further regional economic

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integration. As Harvey sees it, "If the U.S. engineers the overthrow of Chavez as well as Saddam, if it can stabilize or reform an armed-to-the-teeth Saudi regime, . . . if it can move on, as seems likely, from Iraq to Iran and consolidate its position in Turkey and Uzbekistan as a strategic presence in relation to Caspian basin oil reserves, then the U.S., through firm control of the global oil spigot, might hope to keep effective control over the global economy and secure its own hegemonic position for the next fifty years."

Todd thinks Russia's recovery will prevent this. For one thing, Russia has plenty of oil, which it will sell to its (formerly our) allies. For another, the U.S. Army cannot win a land war against Russia in Central Asia, especially in view of its recent (and very creditable) unwillingness to accept casualties, which appears to be based on a humane reluctance to throw away young American lives for dubious geopolitical purposes. And most important, if the United States attempts to make economic war on Europe and Japan, they can fight back, protected by Russia's nuclear deterrent. Once again, I hope Todd is right. It all appears to depend on how quickly Russia rebuilds and on whether America succeeds in militarizing space. Todd doesn't seem to have considered our space-weapons program. Nor is he sufficiently aware, perhaps, of the deformations of American politics: the violent resentments of the southern and mountain states' flag-and-gun culture; the single-issue fanaticism of the religious right; the venality of legislators and bureaucrats hoping for lucrative future employment by the defense, energy, pharmaceutical, and other industries; and the general stupor induced by television. He believes that Americans will adjust rationally to the inevitable "reduction of their power and, most likely, of their standard of living." I wish I could share his optimism.

As Rosa Luxemburg observed, it is "often hard to determine, within the tangle of violence and contests for power, the stern laws of economic process." This is what Panitch, Gindin, Harvey, Gowan, and their colleagues on the Marxist left are trying to do, along with a few non-Marxist mavericks like Todd. For this, whatever our other differences, the rest of us owe them much gratitude. ●

GEORGE SCIALABBA writes about books in *Dissent*, the *Nation*, the *Boston Review*, the *Boston Globe*, and elsewhere.

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Defaming Hinduism

Editors:

In the Summer 2003 issue of *Dissent*, Martha Nussbaum ("Genocide in Gujarat: The International Community Looks Away") provides "*Jai Sri Ram*" as an example of a "Hindu-right slogan" and characterizes Jai Hanuman as an "aggressive monkey god." As a practicing Hindu, born and raised in India, I was not aware of the fact that *Jai Sri Ram* is a "Hindu-right slogan" until I read this article; neither had I known about the existence of a personality classification of Hindu Gods. *Jai Sri Ram* is a very common term that millions of Hindus use worldwide to glorify their beloved God Ram. Hindus consider Sri Hanuman as an incarnation of Lord Shiva, who appeared on earth in the form of a monkey, as the son of the wind God Vayu also known as Pavan Dev. Sri Hanuman acted as the chief of armies of Lord Ram and is the very emblem of strength, chivalry, loyalty, and devotion to Lord Ram. Hindus worship Sri Hanuman as the greatest devotee of God and try to emulate his devotion. To describe Sri Hanuman as "an aggressive monkey god" would be a great insult to many Hindus to say the very least. The usage of these terms for Hindu Gods shows a blatant disregard for, and, hurts the religious sentiments of millions of Hindus worldwide.

Abhijit Bagal
Albany, N.Y.

Martha Nussbaum Replies

Abhijit Bagal's letter, for which I have great sympathy, nicely demonstrates one of the main theses of my article: that the Hindu right has coopted and distorted a traditionally peaceful and pluralistic religion for political purposes. "*Jai Sri Ram*" ("Hail Ram") is indeed a religious invocation used by million of sincere religious people, with pious and peaceable intent. It is also a slogan shouted by members of the Hindu right when they are killing innocent Muslim citizens or urging others to do so. Hanuman is a god who has many faces, and it is indeed true that aggressiveness is only one of these; in traditional terms, his sweetness and playfulness are surely more marked. But again, the Hindu right represents Hanuman as aggressive, and an ally of their campaign for ethnic purity. Mobs do in fact shout "*Jai Hanuman*" while they are murdering, raping, and torturing. It is surely the Hindu right itself that dishonors the Hindu religion by using such terms to goad people on to acts of violence, not a person like me who reports their activities with regret and moral condemnation.

New Package or New Packaging?

Editors:

Although I am very pleased by Ken Brociner's generally positive review of my book ("Strategy for Success?," Winter 2004), I want to comment on his two basic criticisms. First, I don't think it is living in a time warp to conclude that there continue to be nonproductive divisions among leftists, and more passion about Marxism, than he believes. These divisions are reflected in the views of key movement leaders as well as in the theories of several highly visible left intellectuals. Let me also mention that the acceptance of a "diversity of tactics" was a key factor in the gradual self-isolation of one of the biggest movements of recent times, the global justice movement, so my strong chapter on a total commitment to strategic nonviolence remains highly relevant.

Second, I am chagrined that Brociner would so strongly insist that I am claiming originality for the book. At the end of the first chapter I explicitly state that "all the pieces are there for a strong egalitarian movement," and then go on to say that they have been "obscured and distorted by the inclusion of self-defeating methods that should not be part of the picture." Nevertheless, my call for the creation of direct links between social movements and the electoral process via the development of a network of Egalitarian Democratic Clubs, when combined with challenges within Democratic primaries, a renewed commitment to strategic nonviolence, and a new vision based on "planning through the market" does add up to a "new package that has never been tried."

G. William Domhoff
Santa Cruz, California

A Frivolous Case for War?

In his piece, "A Friendly Drink in a Time of War" (Winter 2004), Paul Berman puts a nice twist on an old

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rhetorical trick: instead of simply arguing against a straw man, prop him up in a bar and chew him out. Berman needs more lucid drinking buddies.

If the left opposed the war because it is cynical about Arabs and democracy, then why does it repeatedly insist that the United States push Egypt, for example, on human rights—and voice opposition to more than two billion dollars worth of annual foreign aid so long as the corrupt Egyptian government resists?

If the left opposed the war against Iraq out of an unreflective hatred of George Bush, why did so much of it support his war against Afghanistan? Even people who resisted the war in Afghanistan treat reports of American casualties there differently from the casualties in Iraq—an implicit concession, surely, that whatever the merits of that war, casualties suffered in it are more justifiable than casualties in Iraq.

Berman seems to think that calling a person or a state "fascist" relieves him of the obligation to think seriously about consequences. This is dangerous nonsense. Before we support a war, even a war against a man as evil as Saddam Hussein, we have every right to consider the other struggles we're engaged in and what the likely effects of a war would be on them: the peaceful alternatives for spreading democracy in the region; the democratic costs of selling the war deceptively, since that is likely to be intrinsic to the project; whether the tremendous resources allocated to the war might be spent to far greater humanitarian effect elsewhere; the consequences of empowering deeply untrustworthy men like Dick Cheney and Donald Rumsfeld; the likelihood that such a wicked and incompetent administration has the wisdom, political capital, or discipline to realize a democratic vision for Iraq and to avert a civil war there; whether the massive increases in military spending, and the inevitable deepening of our economic dependence on them, are healthy in the long run; whether our moral obligations to Afghanistan have been sufficiently discharged by the installation of a mayor in Kabul and a general retreat from the rest of the country; and so on.

It is revealing that Berman chooses to focus on such bad reasons to resist the war. For if he thinks the case against the war was as frivolous as that, it's no wonder he supported it.

Chris Young
Brooklyn, N.Y.

Paul Berman Responds

Chris Young points out, all too correctly, the incompetence of the Bush administration. He appears to support the war in Afghanistan, even so. Therefore he must believe that sometimes it is correct to support a war in spite of the leadership—even a "wicked and incompetent" leadership. I agree! He worries, though, that the Bush administration, in its wicked incompetence, will lack the wisdom "to avert a civil war" in Iraq.

I have news to report. There is already a civil war in Iraq. The terrorist guerrillas number in the thousands, apparently. These people are radical Islamists and Baathists. They are fascists—that is the correct word for them. They believe in random murder. On the other side are many thousands of Iraqi police and other Iraqis who are working with the coalition authorities. These are people who (except for a few infiltrators) are fighting for the new and attractive Iraq that the Governing Council has been trying to prepare and has already announced in the proposed new constitution.

The war between these two sides is going on right now. It is a desperate war. There is no guarantee that the partisans of a free and liberal Iraq will win. Chris Young says that we ought to "think seriously about consequences." Let us think seriously about the consequences of allowing the anti-fascists of Iraq to lose this present war. We must stand with these people—just as we must stand with the anti-fascists of Afghanistan. It is incredible to me that we should have to debate such a thing.

To Letter Writers

● *We welcome succinct letters from our readers. But because we have a long lead time for each issue, you have to send us your letter within three weeks of getting an issue of* Dissent *in order to get it into the next issue.*

● ***Letters must be no more than 500 words,*** *typed, double-spaced, and carry the full address and name of the sender. We reserve the right to edit letters down to fit our space and to choose which shall be printed. We are unable to acknowledge letters. Letters will not be returned to senders unless they are accompanied by stamped, self-addressed envelopes. We accept e-mail submissions to editors@dissentmagazine.org, but request that you provide a street address and phone number.*

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50th Anniversary Greetings

The following greetings arrived too late to be included in our last issue. We appreciate hearing from our supporters.

From a subscriber for 50 years

MORRIS SLAVIN

Dissent is needed more than ever

PETER EDELMAN

Best Wishes for Another 50 years

ROBERT AMBARAS

IN LOVING MEMORY OF **STANLEY & SIMONE PLASTRIK** AND THEIR FRIENDS **ANNA AND AJIT MUKHERJI**

KATHARINE FLANDERS MUKHERJI AND RAJAT MUKHERJI

Never Give Up!

CAROLE A. BURNETT

GREETINGS
Francisco Soares

CORRECTION: A tribute in the Winter 2004 issue had a misspelling. The corrected version appears to the left.

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THE FAMILY HOUSE has left the family. Built in 1898, the two-story frame house was sold last fall for far more than I would have guessed and probably more than it was worth. The 1200 block on Carmen Avenue in Chicago's uptown area is a mix of wooden and brick houses along with low-rise, three-story, apartment buildings—most of them owner-occupied. Chicago two-flats, once ubiquitous, are a tribute to the value put on home ownership and thrift: the owner and mortgage-holder living in one apartment, the rent-paying tenant in the other. Gradually these houses are being torn down and replaced by condominiums of four and six apartments in which everyone becomes a mortgage holder. Deep lots and wide frontage make these frame houses attractive to developers, who have bought up several on the block and replaced them with square brick buildings built to the property edges. Front yards, side yards, back yards disappear; porches are no more. There is no grass to mow or shrubs to trim, no liminal territory, thresholds where inside and outside, private and public subtly mingle.

Our old house, 1257 Carmen, awaits the demolition crew. O'Briens of three generations lived there for more than sixty years, beginning with my uncle and then my father, and ending with my sister and her children. No preservationist sprang to save it, nor did a young family appear, eager to renovate. Were buyers put off by the drab, brown-shingled exterior, an economy my uncle made to avoid painting, or by the concrete stoop, another economy? That square mass of concrete replaced a wrap-around wooden porch once the scene of childhood dramas, story-telling, doll play, a world outside the house but inside the yard. In adolescence, the steps of the concrete porch served as debating posts for sorting out the world with friends and schoolmates. Civil rights, unions, Korea, Adlai Stevenson, John Kennedy, romance, and gossip filled the summer nights as pressing points were argued up and down the stairs and back and forth between the iron banisters. The back porch, with glider and chairs, was mostly family territory, except when my mother, leaning over the porch rail, traded state secrets with the woman next door leaning over hers. Care of the yards, back, front, and side, were the bane of my uncle's life until he retired to Florida. Then, that bit of land became my father's territory: flowers bloomed, shrubs were planted, trees fed and pruned. Though my father had been a working man all his life, this planting and tending seemed to come naturally, seemed to be part of the cultivator and peasant that he really was. He had lived on Carmen Avenue most of his life, growing up farther down the leafy street in a house long ago sold to strangers. His children, and his nieces and nephews, lived on his street, went to his school and church, even had some of his teachers, looked at the same houses, trees, sometimes knew the same neighbors. Now, he is gone, his garden too, and soon his house. His children have moved on. The last O'Brien has left Carmen Avenue.

If the new building at 1257 resembles its mates up and down that block, there will be no yard for gardening, no sequestered space for children to play, no front stoop for summer debates, and no back porch for lolling about, making idle gossip. Possibly, younger, less familial residents of this new building will engage in distinctively "public" forms of city life—block association meetings, exhibits at the Art Institute, swimming at Foster Beach, maybe even local politics. Yet as a New York apartment dweller, I know that life without yards and porches is a life without a wide threshold where public and private subtly mingle—a life without an all-important in-between.

MARGARET O'BRIEN STEINFELS

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